

**SUPERIOR CHARTER TOWNSHIP  
REGULAR BOARD MEETING  
SUPERIOR CHARTER TOWNSHIP HALL  
3040 N. PROSPECT; YPSILANTI, MI 48198**

**January 19, 2010**

**7:30 p.m.**

**AGENDA**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPTION OF AGENDA
5. APPROVAL OF MINUTES
  - a. Regular Meeting of December 21, 2010
6. CITIZEN PARTICIPATION
  - a. Public Hearing Consent Judgment Between Superior Township and Hummana LLC and NYR82 LLC
7. REPORTS
  - a. Supervisor
  - b. Departmental Reports: Building Department, Fire Department, Fire Marshal Report, Hospital False Alarm Report, Ordinance Officer, Sheriff's Report, Utility Department, Zoning Report
8. COMMUNICATIONS
  - a. Dennis Donahue, Consent Judgment
  - b. Michigan Department of Natural Resources, Cherry Hill Nature Preserve Grant
  - c. Eddie and Sheryl Harmon, Kimmel Drain Issue
  - d. Porshea Anderson- Taylor, Planning Commission Appointment
  - e. John Copley, Planning Commission Appointment
9. UNFINISHED BUSINESS
10. NEW BUSINESS
  - a. Consent Judgment Between Superior Township and Hummana LLC and NYR82 LLC
  - b. Great Dane Rescue, Inc., Charitable Gaming License
  - c. Resolution to Amend Fees Pertaining to the Superior Charter Township Zoning Ordinance
  - d. Planning Commission Appointments
  - e. Dixboro Design Review Board Appointments
  - f. Budget Amendments, Legal Defense Fund

11. PAYMENT OF BILLS
12. PLEAS AND PETITIONS
13. ADJOURNMENT

David Phillips, Clerk

3040 N. Prospect, Ypsilanti, MI 48198

734-482-6099

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**1. CALL TO ORDER**

The regular meeting of the Superior Charter Township Board was called to order by the Supervisor at 7:30 p.m. on December 21, 2009, at the Superior Township Hall, 3040 North Prospect, Ypsilanti, Michigan.

**2. PLEDGE OF ALLEGIANCE**

The Supervisor led the assembly in the pledge of allegiance to the flag.

**3. ROLL CALL**

The members present were William McFarlane, Brenda McKinney, David Phillips, Nancy Caviston, Roderick Green and Alex Williams. Lisa Lewis was absent.

**4. ADOPTION OF AGENDA**

It was moved by McKinney, seconded by Caviston to adopt the agenda as presented with the deletion of Financial Reports, All Funds, as item d. under Reports.

The motion carried by a voice vote.

**5. APPROVAL OF MINUTES**

**A. REGULAR MEETING OF NOVEMBER 16, 2009**

It was moved by McKinney, seconded by Caviston, to approve the minutes of the regular Board meeting of November 16, 2009, as presented.

The motion carried by a voice vote.

**6. CITIZEN PARTICIPATION**

Dennis Donahue, 2223 N. Prospect Rd., provided comments from a written copy to the Board about his development of a stable for horses and the use of the facility by new owners. Mr. Donahue indicated he feels that current use is not consistent with the Township's Zoning Ordinance and Growth Management Plan. He feels that a Conditional Use is required for the current use of the stables and does not think a valid Conditional Use has been approved for the property. He indicated that a driveway was extended which results in vehicle headlights shinning on his home, the septic field is not properly secured, horse manure is piled along the lot line and the generator serving the buildings creates excessive noise. He also questioned if the stables and arena require a Certificate of Occupancy and Fire Marshall Inspection. After the end of the meeting, he provided a copy of the written comments to the Clerk.

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No other citizens requested to make any comments to the Board.

**7. REPORTS**

**A. SUPERVISOR REPORT**

The Supervisor reported on the following: The County Parks and Recreation Department is proposing to purchase 44 acres near the southwest corner of Vreeland and Prospect Roads. The land will be permanently preserved in its natural state. The Ann Arbor Greenbelt is considering purchasing the development rights on the adjacent 130 acres. Both parcels are adjacent to the 58 acre Meyer Farm property that the County Parks and Recreation Department previously purchased. The Township is receiving reduced State Shared Revenue. The Township is going to fund a summer Deputy position in 2010. The Township is currently involved in several police collaborations with neighboring communities. Supervisor McFarlane expects that other police and fire collaborations will be proposed in order to provide the best possible services at the lowest possible cost.

**B. ACCOUNTANT'S REPORT, DEPARTMENT REPORTS: BUILDING DEPARTMENT, FIRE DEPARTMENT, FIRE MARSHAL, FALSE ALARM REPORT, HOSPITAL FALSE ALARM, ORDINANCE OFFICER REPORT, PARKS COMMISSION MINUTES, SHERIFF'S REPORT, UTILITY DEPARTMENT AND ZONING REPORT**

It was moved by Caviston, seconded by McKinney, that all reports be received.

The motion carried by a voice vote.

**8. COMMUNICATIONS**

**A. SUPERVISOR MCFARLANE, LETTER TO WASHTENAW COUNTY PARKS AND RECREATION, RE: PENZ PROPERTY**

Supervisor McFarlane explained in a letter to Washtenaw County Parks and Recreation Commission Director Robert Tetens that Superior Township's Administration supports the concept of the Washtenaw County Parks and Recreation Department purchasing approximately 44 acres in the vicinity of the southwest corner of Vreeland and Prospect Roads. They also support the Greenbelt Program purchasing the development rights on a nearby 130 acre parcel. Both parcels are near a 58 acre parcel already owned by the Washtenaw County Parks

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and Recreation Commission.

It was moved by Caviston, seconded by McKinney, to receive the letter from Supervisor McFarlane to Mr. Robert Tetens.

The motion carried by a unanimous voice vote.

**B. ANTHONY VANDERWORP, DIRECTOR, WASHTENAW COUNTY  
OFFICE OF STRATEGIC PLANNING, FUTURE OF COUNTY PDR  
PROGRAM**

Anthony VanDerworp sent a letter indicating that due to budget constraints, the Washtenaw County Office of Strategic Planning is being eliminated. This will result in the elimination of the Washtenaw County Purchase of Development Rights program, unless an alternative program could be implemented. The letter outlined three alternatives, Option A: Rescind the County's PDR Program. Townships could create their own PDR program. Option B: Member Townships Pursue a Multi-Township Program through an Urban Cooperation Act Agreement. Option C: Maintain a County PDR Program through a contract with Land Trusts/Conservancies. Under Option C, the County would make a one-time payment of \$14,000 to the Legacy Land Conservancy which would administer the PDR program for member Townships and also maintain easement requirements on County purchased PDR properties. Under Option C, member Townships would work with the Legacy Land Conservancy to submit applications for the Michigan Agricultural Preservation Fund. They would still receive the additional 10% of points for Intergovernmental Cooperation. There would be no additional cost to member Townships for Option C. Mr. VanDerworp requested that member communities discuss the options with their respective Township Boards and report back to him as to which option they prefer. The Board discussed the various options, but decided they needed more information in order to make a decision.

It was moved by Caviston, seconded by Green, to accept the communication from Mr. Vanderworp.

**9. UNFINISHED BUSINESS**

**A. ORDINANCE NO. 178, WETLANDS AND WATERCOURSE PROTECTION  
AND RESTORATION, WHICH REPEALS AND REPLACES ORDINANCE NO.  
135, SECOND READING**

It was moved by McKinney seconded by Green that the Superior Charter Township Board adopts the following ordinance for final reading:

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**ORDINANCE NO. 178**

**WETLANDS AND WATERCOURSE PROTECTION AND  
RESTORATION WHICH REPEALS AND REPLACES  
ORDINANCE NO. 135 - WETLANDS AND  
WATERCOURSE PROTECTION AND RESTORATION**

An Ordinance for the control and preservation of wetlands and watercourses within the Charter Township of Superior and to protect the wetlands of the Township from sedimentation, destruction, and misuse; to prescribe the powers, duties and functions of the Township enforcing agency; to provide for the promulgation of rules; to establish permits and a fee schedule; to establish design standards, specifications, and bond requirements; to provide for variance and exceptions; to provide for inspections and enforcement; to provide for violations, remedies and penalties thereof; and to provide for severability and effective date of the Ordinance.

**THE CHARTER TOWNSHIP OF SUPERIOR HEREBY ORDAINS:**

**Section 178-01. General**

**178-01.1 - Findings**

The Township Board of the Charter Township of Superior finds that wetlands and watercourses are indispensable and fragile resources that provide many public benefits, including maintenance of water quality through nutrient cycling and sediment trapping as well as flood and storm water runoff control through temporary water storage, slow release, and groundwater recharge. In addition, wetlands provide open space; passive outdoor recreation opportunities; fish and wildlife habitat for many forms of wildlife, including migratory waterfowl; and rare, threatened or endangered wildlife and plant species; and pollution treatment by serving as biological and chemical oxidation basins.

Preservation of the remaining Township wetlands in a natural condition shall be and is necessary to maintain hydrological, economic, recreational, and aesthetic natural resource values for existing and future residents of the Charter Township of Superior, and

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therefore the Township Board declares a policy of no net loss of wetlands. Furthermore, the Township Board declares a long term goal of net gain of wetlands to be accomplished through review of degraded or destroyed wetlands in the Township and through cooperative work with landowners, using incentives and voluntary agreements to restore wetlands.

To achieve these goals, and with authority from Section 30307(4) of the *Natural Resources and Environmental Protection Act* (Act 451 of 1994 ), the Township Board finds that it is desirable to regulate wetlands in Superior Township. Pursuant to Article 4, Section 52 of the Constitution of the State of Michigan, the conservation and development of natural resources of the state is a matter of paramount public concern in the interest of the health, safety, and general welfare of the people. The Township Board therefore finds that this Ordinance is essential to the long term health, safety, and general welfare of the people of the Charter Township of Superior, and to the furtherance of the policies set forth in Section 1701 *et seq.* of the *Natural Resources and Environmental Protection Act* (Act 451 of 1994 hereinafter the *Michigan Environmental Protection Act*) and Section 30301 *et seq.* of the *Natural Resources and Environmental Protection Act* (Act 451 of 1994 hereinafter the *Wetlands Protection Act*).

**178-01.2 - Purposes**

The purposes of this Ordinance are to provide for:

- A. The protection, preservation, replacement, proper maintenance, restoration, and use in accordance with the character, adaptability, and stability of the Township's wetlands, in order to prevent their pollution or contamination; minimize their disturbance and disturbance to the natural habitat therein; and prevent damage from erosion, siltation, and flooding.
- B. The coordination of and support for the enforcement of applicable federal, state, and county statutes, ordinances and regulations including, but not limited to, the following:
  - 1. *Wetlands Protection Act*, enforced by the Michigan Department of Environmental Quality which is hereinafter referred to as the MDEQ;
  - 2. *Inland Lakes and Streams Act*, Section 30101 *et seq.* of the *Natural Resources and Environmental Protection Act* (Act 451 of 1994) enforced by the MDEQ;
  - 3. *Soil Erosion and Sedimentation Control Act*, Section 9101 *et seq.* of the *Natural Resources and Environmental Protection Act* (Act 451 of 1994, enforced by the County of Washtenaw and the Township of Superior

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*(after enactment of ordinance);*

4. *Floodplain Regulatory Authority*, incorporated into the *Natural Resources and Environmental Protection Act* (Act 451 of 1994 [previously Act 245, Public Acts of 1929, as amended]), enforced by the MDEQ.
- C. Compliance with the *Michigan Environmental Protection Act* which imposes a duty on government agencies and private individuals and organizations to prevent or minimize degradation of the environment which is likely to be caused by their activities.
- D. The establishment of standards and procedures for the review and regulation of the use of wetlands and watercourses,
- E. A procedure for appealing decisions.
- F. The establishment of enforcement procedures and penalties for the violation of this Ordinance.
- G. Creation of a board to assist in the protection of wetlands, hold required hearings, and to build public support for the values of wetlands.
- H. Assurance that the right to reasonable use of private property is maintained.

**178-01.3 - Construction and Application**

The following rules of construction apply in the interpretation and application of this Ordinance:

- A. In the case of a difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- B. Particulars provided by way of illustration or enumeration shall not control general language.

**178-01.4 - Applicability to Private and Public Agency Activities and Operations**

The provisions of this Ordinance including wetlands use permit requirements and criteria for wetlands use permit approval, shall apply to activities and operations proposed by federal, state, local and other public agencies as well as private organizations and individuals.

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**Section 178-02. Definitions**

**178-02.1 - Definition of Terms**

Terms not specifically defined shall have the meaning customarily assigned to them.

CONTIGUOUS WETLANDS shall mean any of the following:

1. A permanent surface water connection or any other direct physical contact with an inland lake or pond, a river or stream.
2. A seasonal or intermittent direct surface water connection to an inland lake or pond, a river or stream.
3. A wetlands that is partially or entirely located within five hundred (500') feet of the ordinary high water mark of an inland lake or pond or a river or stream, unless it is determined by the Township or the MDEQ in accordance with Rule 281.924 of the *Wetlands Administrative Rules*, adopted in connection with the Wetlands Protection Act, that there is no surface or groundwater connection to these waters.
4. Two (2) or more areas of wetlands separated only by barriers, such as dikes, roads, berms, or other similar features, but with any of the wetlands areas contiguous under the criteria described in Subsections (1) (2) or (3) of this definition.

DECIDING BODY means the Superior Township Planning Commission or the Superior Township Board of Trustees, as appropriate.

DEPOSIT means to fill, place or dump.

LOT means a designated parcel, tract, building site or other interest in land established by plat, subdivision, conveyance, condominium master deed, or as otherwise permitted by law, to be used, developed or built upon as a unit.

MATERIAL shall mean soil, sand, gravel, clay, peat moss and other organic material.

MDEQ means the Michigan Department of Environmental Quality.

MITIGATION shall mean: (1) methods for eliminating or reducing potential impact to regulated wetlands; or (2) creation of new wetlands to offset unavoidable loss of existing wetlands.

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PERSON means an individual, sole proprietorship, partnership, corporation, association, municipality, this state, any instrumentality or agency of this state, the federal government, or any instrumentality or agency of the federal government, or other legal entity.

PROTECTED WETLANDS shall mean any of the following:

1. All wetlands subject to regulation by the MDEQ including:
  - (a) All wetlands defined as Contiguous Wetlands by this Ordinance.
  - (b) Wetlands which are larger than five (5) acres, whether partially or entirely contained within the project site, and which are not contiguous to any lake, stream, river, or pond.
  - (c) Wetlands, regardless of size, which are not contiguous to any lake, stream, river, or pond, if the MDEQ determines the protection of the wetlands is essential to the preservation of the natural resources of the state from pollution, impairment or destruction.
2. All wetlands subject to regulation by the Township including:
  - (a) Wetlands two (2) acres or greater in size, whether partially or entirely contained within the project site, which are not contiguous to any lake stream, river or pond.
  - (b) Wetlands smaller than two (2) acres in size which are not contiguous to any lake, stream, river or pond and are determined to be essential to the preservation of the natural resources of the Township as provided for in Section 7.6 of this Ordinance.

RUNOFF shall mean the surface discharge of precipitation to a watercourse, drainage way, swale, or depression.

REMOVE means to dig, dredge, suck, pump, bulldoze, drag line, or blast.

RESTORATION means to return from a disturbed or totally altered condition to a previously existing natural or altered condition by some action of man.

SEASONAL shall mean any intermittent or temporary activity which occurs annually and is subject to interruption from changes in weather, water level, or time of year, and may involve annual removal and replacement of any operation, obstruction, or structure.

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STRUCTURE shall mean any assembly of materials above or below the surface of the land or water, including but not limited to, buildings, bulkheads, piers, docks, landings, dams, waterway obstructions, paving and roadways, poles, towers, cables, pipelines, drainage tiles, and other underground installations.

TOWNSHIP BOARD shall mean the legislative body of Superior Charter Township, Washtenaw County, Michigan, commonly known as the Board of Trustees.

TOWNSHIP WETLANDS MAP refers to the Superior Charter Township Wetlands Map, based on the National Wetlands Inventory Map of the U.S. Fish and Wildlife Service; the Michigan Resource Information System Mapping (MIRIS) of the Michigan Department of Environmental Quality; the soils maps of the Soil Conservation Service; aerial photography; and onsite inspections.

WATERCOURSE shall mean any waterway including a river, stream, lake, pond or any body of surface water having definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.

WETLANDS shall mean land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetlands vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh, and is one of the following:

- (i) Contiguous to an inland lake or pond or a river or stream
- (ii) Not contiguous to an inland lake or pond or a river or stream and more than two acres in size
- (iii) Not contiguous to an inland lake or pond or a river or stream and less than two acres in size if the Administrator or Department determines that protection of the natural resources of the Township from pollution, impairment, or destruction.

WETLANDS ADMINISTRATOR shall mean a person or persons knowledgeable in wetlands protection, appointed by the Superior Charter Township Board to administer this Ordinance and to carry out certain duties hereunder.

WETLANDS BOARD shall mean the body of the Charter Township of Superior which makes decisions on wetlands use permit appeals and advises the Township on wetlands resource policy, education and restoration.

WETLANDS CONSULTANT shall mean a person or persons knowledgeable and certified by the State of Michigan in wetland protection and delineation who is appointed

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by the Superior Charter Township on a contractual basis to make wetland determinations, to delineate wetlands, and to advise the Township on wetland resource policy, education, and restoration.

WETLANDS USE PERMIT shall mean the Township approval required for activities in wetlands and watercourses described in Section 7 of this Ordinance.

WETLANDS VEGETATION shall mean plants, including but not limited to, trees, shrubs, and herbaceous plants, that exhibit adaptations to allow, under normal conditions, germination or propagation and to allow growth with at least their root systems in water or saturated soil.

**Section 178-03. Relationship to State and Federal Permit Requirements**

Whenever persons requesting a wetlands use permit are also subject to state and/or federal permit requirements, the following shall apply:

- A. The Township shall have jurisdiction for the regulation of wetlands under this Ordinance concurrent with the jurisdiction of the Michigan Department of Environmental Quality.
- B. Approvals under this Ordinance shall not relieve a person of the need to obtain a permit from the MDEQ and/or the U.S. Army Corps of Engineers, if required.
- C. Issuance of a permit by the MDEQ and/or the U.S. Army Corps of Engineers shall not relieve a person of the need to obtain approval under this Ordinance, if applicable.

**Section 178-04. Administration**

**178-04.1 - Township Wetlands Map**

The Township Wetlands Map is a guide to the location of wetlands in Superior Charter Township. It includes the most up-to-date inventory of Township Wetlands. The Map shall be used in the administration of this Ordinance.

The Township Wetlands Map, together with all explanatory matter thereon and attached thereto, as may be amended through the Wetlands Verification and Delineation process, is hereby adopted by reference and declared to be a part of this Ordinance. The Township

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Wetlands Map shall be on display to the public in the Township Hall, on file with the Township Clerk., and a copy shall be provided to the Washtenaw County Register of Deeds.

The Township Wetlands Map shall serve as a general guide for the location of protected wetlands. The Township Wetlands Map does not create any legally enforceable presumptions regarding whether property that is or is not included on the inventory map is or is not in fact a wetlands unless the wetland has previously been subjected to the Wetlands Verification Process, as defined in this ordinance, and the verification date is noted in association with the map.

The Wetlands Verification Process, as set forth herein, shall be used to verify wetlands on properties where wetlands is shown on the Wetlands Map or on properties where wetlands exist as defined in Section 2.1 herein. The Wetlands Delineation Process, as set forth herein, shall be used to establish the actual boundaries of wetlands in the Township. The identification of the precise boundaries of wetlands on a project site shall be the responsibility of the applicant.

**A. Wetlands Verification Process**

1. The Township or property owners of wetlands may initiate a verification of the areas shown on the Township Wetlands Map as wetlands or on properties where wetlands exists as defined in Section 2.1 herein. The verification shall be limited to a finding of wetlands or no wetlands by the Wetlands Administrator. The finding shall be based on, but not limited to, aerial photography, topographical maps, site plans, and field verification.
2. In the event that there is a finding of no wetlands on the property, then no further determination would be required and the finding shall be included in the Map Amendment Process (found in Section 178-04.1 (c)).
3. In the event that there is a finding of wetlands, then the establishment of the exact boundary through a wetlands delineation may be required to alter the Township Wetlands Map through the Map Amendment Process.
4. The applicant shall pay fees for the Wetlands Verification Process as established in Section 9.1.

**C. Wetlands Delineation Process**

Prior to the issuance of any permit or land development approval for a property which is shown to include a wetlands on the Township Wetlands Map, the applicant may be required to provide a wetlands delineation to the Township. The Wetlands

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Administrator shall determine whether a delineation is required based on the proximity and relationship of the project to the wetlands.

1. To establish actual wetlands boundaries on a property, the applicant shall provide a surveyor dimensional site plan, drawn at an appropriate scale, showing property lines, buildings and any points of reference along with the wetlands boundaries, according to one of the following:
  - (a) Wetlands delineation by the Michigan Department of Environmental Quality (MDEQ)
  - (b) Wetlands delineation by the applicant's wetlands consultant subject to review and approval by the Township's Wetlands Consultant.
2. Where a wetlands delineation is required by this Section, the Township Wetlands Consultant shall establish wetlands boundaries following receipt of the above required information and after conducting a field investigation.
3. The applicant shall pay fees for the Wetlands Delineation Process as established in Section 9.1.

**D. Map Amendment**

1. The Township Wetlands Map shall be updated when new data is available, when corrections are needed in order to maintain the integrity of the map, or when the presence of wetlands has been verified in accordance with the provisions of this ordinance.
2. The Township shall ensure that each record owner of property on the property tax roll shall be notified of any amendment to the Township Wetlands Inventory Map on an annual basis. The notice shall include the following information:
  - (a) the Township wetlands map has been amended;
  - (b) the location to review the map;
  - (c) the owner's property may or may not be designated as a wetlands on the map;
  - (d) the Township has an Ordinance regulating wetlands;
  - (e) the map does not necessarily include all of the wetlands within the Township that may be subject to the wetlands ordinance.

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**178-04.2 - Wetlands Board**

There is hereby created a Wetlands Board:

- A. The Wetlands Board shall consist of six (6) residents of the Township appointed by the Township Board; four of whom shall have knowledge and experience in the areas of botany, soils, geology, hydrology, or natural resources. One member of the Wetlands Board shall be a member of the Township Board. The initial terms of appointment shall be as follows: 2 individuals for 3 years, 2 individuals for 2 years, and 1 individual for 1 year. Thereafter, appointments shall be for a term of three years. The term of the Township Board representative to the Wetlands Board shall be concurrent with the term of office.
- B. The Wetlands Board shall establish rules of procedure.
- C. The Wetlands Board is authorized to undertake activities to protect wetlands including the following:
  - 1. Conduct public hearings and review appeals of wetlands use permit, mitigation, and/or restoration decisions made by the Wetlands Administrator or Deciding Body.
  - 2. Serve in an advisory role in setting policy guidelines on wetlands issues in the Township.
  - 3. Identify conflicts between wetlands protection and present Township ordinances, Township operating procedures, and Township activities.
  - 4. Review the wetlands map annually, provide recommendations and assist in map administration.
  - 5. Coordinate with the Michigan Department of Environmental Quality and Washtenaw County in keeping up-to-date on issues affecting wetlands protection.
  - 6. Recommend a program to protect and acquire important wetlands through tax incentives, donation, development rights, easements, land exchange, purchase, and other means.
  - 7. Develop educational programs for the public and for Township schools. The program should promote the values of wetlands and awareness of the hazards and threats to wetlands. The program should be particularly

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targeted to landowners with wetlands and emphasize how best to protect wetlands values on their property.

8. Develop an adopt-a-wetlands program for interested citizens to participate more directly in preservation of specific wetlands.
  9. Review degraded or destroyed wetlands in the Township for possibility of rehabilitation or restoration.
- D. Members of the Wetlands Board shall receive a stipend as determined from time to time by resolution of the Township Board.
- E. Members of the Wetlands Board may be removed from said Board following a hearing held by the Township Board and a written finding by the Township Board that cause for removal has been determined.

**Section 178-05. Activities in a Protected Wetlands or Watercourse**

**178-05.1 - Activities Prohibited Without First Obtaining a Wetlands Use Permit**

Except for those activities expressly permitted by Section 5.2, it shall be unlawful for any person to do any of the following in a protected wetlands or watercourse unless and until a wetlands use permit is obtained from the Township pursuant to this Ordinance (Refer to Section 14.05, B., of the Superior Charter Township Zoning Ordinance).

- A. Deposit or permit to be deposited any material or structures into any watercourse or within or upon any protected wetlands.
- B. Remove or permit to be removed any soil from any watercourse or from any protected wetlands.
- C. Dredge, fill or land balance watercourses or protected wetlands.
- D. Create, enlarge, diminish or alter a lake, creek, stream, river, drain or protected wetlands.
- E. Construct, operate or maintain any development in or upon protected wetlands or watercourses.
- F. Erect or build any structure, including but not limited to, buildings, roadways (other than farm roads constructed to minimize adverse effects on wetlands), bridges, tennis courts, paving, utilities, or private poles or towers in or upon protected wetlands or watercourses.

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- G. Construct, extend or enlarge any pipe, culvert, or open or closed drainage facility which discharges silt, sediment, organic or inorganic materials, chemicals, fertilizers, flammable liquids or any other pollutants to any lake, stream, protected wetlands, or watercourse, except through a retention area, settling basin, or treatment facility designed to control and eliminate the pollutant. This Subsection shall apply to all land uses except single family uses on lots of two (2) acres or less.
- H. Construct, enlarge, extend or connect any private or public sewage or waste treatment plant discharge to any lake, stream, river, pond, watercourse, or protected wetlands except in accordance with the requirements of Washtenaw County, State of Michigan and/or the United States, to the extent that such entities have jurisdiction.
- I. Drain or cause to be drained, any water from a protected wetlands or watercourse.
- J. Fill or enclose any ditch which would result in a significant reduction of storm water absorption and filtration into the ground or would otherwise have an adverse impact on receiving watercourses or wetlands.

**178-05.2 - Permitted Activities**

Notwithstanding the prohibitions of Section 5.1, the following activities are permitted within watercourses or protected wetlands without a wetlands use permit, unless otherwise prohibited by statute, ordinance or regulation.

- A. Fishing, swimming, boating, canoeing, hiking, horseback riding, bird-watching, or other similar recreational activities which do not require alteration of wetlands vegetation or grading of soils.
- B. Grazing and/or watering of animals.
- C. Education, scientific research, and nature study.
- D. Installation for noncommercial use of temporary seasonal docks, rafts, diving platforms and other recreational devices customarily used for residential purposes.
- E. Maintenance or repair of lawfully located roads, sewers, ditches, structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telecommunication, or other services, provided that such roads, sewers, ditches, structures, or facilities are not materially changed or enlarged and

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provided that the work is conducted using best management practices to ensure that flow and circulation patterns, and chemical and biological characteristics of watercourses and wetlands are not impaired and that any adverse effect on the aquatic environment will be minimized.

- F. Excavation and filling of no more than fifty (50) cubic yards of material if necessary for the repair and maintenance of bridges, walkways, and other existing structures, provided that such structures allow for the unobstructed flow of water and preserve the natural contour of the protected wetlands, except as authorized by permit or in connection with Section G (below).
- G. Improvement or maintenance of the Huron River or Rouge River or its tributaries when such operations are organized or sponsored or approved by the Township and are specifically intended to preserve natural resources. Such permitted activities shall include, but not be limited to: (1) removal of materials which may cause diverted flows and bank erosion, including the removal of trees, brush, and debris; (2) bank stabilization projects which require minimal disturbance of existing conditions; (3) wildlife and aquatic habitat improvement projects; and (4) removal of pernicious, invasive plant species (e.g., purple loosestrife).
- H. Farming, horticulture, silviculture, lumbering, and ranching activities, including plowing, irrigation, irrigation ditching, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices. Wetlands altered under this subdivision shall not be used for a purpose other than a purpose described in this subsection without a permit from the MDEQ, and shall continue to be indicated as wetlands on the Wetlands Map.
- I. Construction or maintenance of farm or stock ponds.
- J. Maintenance, operation, or improvement which includes straightening, widening, cleaning out or deepening of the following which is necessary for the production or harvesting of agricultural products:
  - 1. An existing private agricultural drain.
  - 2. That portion of a drain legally established pursuant to Act No. 40 of the Public Acts of 1956, as amended, being sections 280.1 to 280.630 of the Michigan Compiled Laws, which has been constructed or improved for drainage purposes.
  - 3. A drain constructed pursuant to other provisions of the Wetlands Protection Act.

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- K. Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining or forestry equipment, if the roads are constructed and maintained in a manner to assure that any adverse effect on the wetlands will be otherwise minimized.
- L. Drainage necessary for the production and harvesting of agricultural products if the wetlands is actively farmed by a person who is engaged in commercial farming and the land is to be used for the production and harvesting of agricultural products. This subsection shall not apply to a wetlands which is contiguous to a lake or stream, or to a tributary of a lake or stream, or to a wetlands which is necessary to be preserved for the public interest, in which case a permit shall be required. Except as otherwise provided in the Wetlands Protection Act, wetlands improved under this Subsection after October 1, 1980 shall not be used for non-farming purposes without a permit from the MDEQ.
- M. A wetlands use permit shall not be required for any use which is exempt from a permit under Section 30305 of the Wetlands Protection Act (previously Section 6 of Act 203 of the Public Acts of 1979 as amended).

**178-05.3 - Existing Non-conforming Lots, Uses and Structures**

Lots, uses and structures lawfully existing at the effective date of this Ordinance shall be subject to the requirements of this Ordinance, except as follows:

- A. Plats that have received tentative preliminary or later approval and site plans and condominium plans approved prior to the effective date of this Ordinance shall be entitled by right to all uses authorized by those approvals according to the zoning district in which the property is located, and provided that said lots have buildable sites outside of the wetlands. Lots which do not have a buildable site outside of the wetlands shall require a wetlands use permit prior to any construction on said lot.
- B. Any activity, structure, or use lawfully existing prior to the effective date of this Ordinance, but not in conformity with the provisions of this Ordinance, may be continued, maintained and operated.
- C. Any structure lawfully existing prior to the effective date of this Ordinance damaged by fire, explosion, act of God, or other causes beyond the control of the owner, may be restored, rebuilt, or repaired without obtaining a wetlands use permit.

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**Section 178-06. Application**

Application for approval, appeal, and issuance of wetlands use permits shall be submitted concurrent with the application for other necessary Township permits and land development approvals. The applicant shall be notified by the Wetlands Administrator that an application for a wetlands use permit is required and processing of the other application for permits and land development review shall not proceed until the complete wetlands use permit application has been filed. The applicant for a wetlands use permit shall submit four copies of the following to the Township:

- A. An application completed in full, on a form supplied by the Michigan Department of Environmental Quality.
- B. A wetlands delineation including, but not limited to the following information: dominant tree, sapling, shrub and herb vegetation; presence or lack of accepted wetlands hydrology indicators; analysis of soil including a description of the soil profile to at least 20 inches and comparison to Washtenaw County Soil Survey and maps of the wetlands mapped. Mapped data shall be represented in a manner that allows comparison to the Superior Charter Township Wetlands Map.
- C. Soil drainage and stormwater management plans.
- D. A mitigation plan, if the proposed activity will result in the loss of wetlands resources.
- E. A cover letter signed by the applicant including the following information:
  - 1. Name of project and brief description (one sentence).
  - 2. Date upon which the activity is proposed to commence.
  - 3. Explanation of why the project meets the wetlands use permit standards and criteria contained in this Ordinance.
  - 4. List of all federal, state, county or other local government permits or approvals required for the proposed project including permit approvals or denials already received. In the event of denials, the reasons for denials shall be given. Attach copies of all permits which have been issued.
  - 5. Identification of any present litigation involving the property.
- F. For a wetlands use permit approval required in conjunction with a land development review as required by the Superior Charter Township Zoning

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Ordinance, the applicant shall at the time of application elect to have the application processed under either Subsection (1) or (2) below:

(1) The wetlands use permit application shall be reviewed, either prior to or concurrent with the review of the site plan, plat or other proposed land use submitted by the applicant. The land development review may not be completed at the time the decision is rendered on the wetlands use permit application. Election of this alternative may require a reopening of the wetlands use permit application if the land use approval is inconsistent with the wetlands use permit approval; or

(2) The wetlands use permit application shall be reviewed and acted upon concurrent with the review of the site plan, plat or other proposed land development review submitted by the applicant, provided the 90-day review period limitation specified in Section 30307(6) of the Wetlands Protection Act is complied with.

- G. Copies of wetlands permit applications filed with the MDEQ and forwarded to the Township in accordance with Section 30307(6) of Wetlands Protection Act shall become part of the application for a Superior Charter Township wetlands use permit.

**Section 178-07. Review**

**178-07.1 - Method of Review of Wetlands Permit Application**

- A. Before a wetlands use permit application is submitted, the necessity of the wetlands use permit shall be determined by the Wetlands Administrator or designee by reference to the "Township Wetlands Map".
- B. Whenever a wetlands use permit is required, the applicant may request an administrative meeting with the Wetlands Administrator to review any proposed activities in light of the purposes of this Ordinance.
- C. Upon receipt of an application, the Township shall ensure that all required information including a wetlands determination has been submitted. The receipt of the application shall constitute permission from the owner to complete an on-site investigation. Applicant will pay fees as established in Section 9.1.
- D. The Township Clerk shall transmit one, or more, as necessary, copy of the application and supporting materials to the Township Wetlands Administrator to

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enable him/her to confirm the boundaries of the wetlands and to review the proposal in light of the purpose and review standards of Section 7 and other applicable sections of this Ordinance. The Wetlands Administrator shall ensure that the Township Wetlands Consultant is provided with copies of documents as necessary. If an application is not complete, the applicant may be granted additional time to complete the application provided that the applicant agrees that the additional time shall not be charged against the Township's 90-day time limit for making a decision. The receipt of the application shall constitute permission from the owner to conduct an on-site investigation of wetlands.

- E. The Township Wetlands Consultant shall prepare and transmit a report and recommendation to the Wetlands Administrator documenting the review required by Section 7.1 D.
- F. Upon receipt of application, the Township Clerk shall transmit one copy of the application to the Michigan Department of Environmental Quality and one copy to the Wetlands Board members.

**178-07.2 - Wetlands Use Permit Decisions**

The Township shall process wetland use applications in a manner that ensures that the same entity makes decisions on site plans, plats, and related matters, and wetland determinations, and that the applicant is not required to submit to a hearing on the application before more than 1 local unit of government decision making body. This requirement does not apply to either of the following:

- (a) A preliminary review by the planning department, planning consultant, or planning commission, prior to submittal to the decision making body if required by an ordinance.
- (b) An appeal process that is provided for appeal to the legislative body or other body designated to hear appeals.

The following process shall apply to wetlands use permit decisions

- A. The Wetlands Administrator shall recommend approval, approval with conditions or denial of the application within 90 days after receipt of a complete application.
- B. Persons wishing to comment on the application must submit their comments in writing to the Wetlands Administrator prior to the date and time set in the notice. Persons wishing to receive notice of the decision must submit a written request to the Wetlands Administrator.

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- C. After completing the review and reviewing the written comments, the Wetlands Administrator or Deciding Body shall either:
- a. Approve, approve with modifications or conditions, or deny the wetlands use permit application in accordance with the standards of this Ordinance, Part 303 of the Michigan Natural Resources and Environmental Protection Act, Act 451 of 1994, governing Wetlands Protections and the Administrative Rules of the Department of Environmental Quality, being R 281.921 et seq. This option shall be used for permits which do not involve issues which are decided by either the Township Board of Trustees or the Township Planning Commission.
  - b. Recommend to the Deciding Body the approval, approval with modifications, or denial of the wetlands use permit application in accordance with the standards of this Ordinance, Part 303 of the Michigan Natural Resources and Environmental Protection Act, Act 451 of 1994, governing Wetlands Protections and the Administrative Rules of the Department of Environmental Quality, being R 281.921 et seq. This option shall be used for permits which do involve issues which are decided by either the Township Board of Trustees or the Township Planning Commission.
- D. When a wetlands use permit is approved, approved with modifications or conditions, or denied, written notice shall be sent to the applicant and to all persons who have requested notice of the Wetlands Administrator or Deciding Body's decision. A permit approved by the Wetlands Administrator or Deciding Body shall not be issued or effective until ten (10) calendar days following the date of approval.
- E. The Administrator shall review the completed application pursuant to this ordinance and shall modify, approve, or deny the application within 90 days after receipt. If the approval or denial is not completed within 90 days, the permit application shall be considered approved, per MCL 324.30307 (6).

**178-07.4. Appeals of Decisions of the Wetlands Administrator or Deciding Body**

The following process shall apply to appeals of decisions made by the Wetlands Administrator or Deciding Body:

- A. Any person who is aggrieved by the approval, approval with modifications or conditions, denial, revocation or suspension of a wetlands use permit by the

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- Wetlands Administrator or Deciding Body may appeal the decision to the Wetlands Board. A written letter containing the specific reasons for appeal shall be filed with the Township Clerk within ten (10) calendar days after the date of the decision to be appealed. Timely filing of an appeal shall have the effect of suspending the effect of the permit pending the outcome of the appeal. In the event that the person(s) filing the appeal do not own property within 300 feet of the wetlands affected, the Township Board shall determine whether the person(s) are aggrieved.
- B. The application, supporting documentation, decision and appeal of the decision shall be made available to the members of the Wetlands Board within ten (10) days of receipt of the appeal. The Wetlands Board shall conduct a hearing within sixty (60) days of the date the appeal is filed.
- C. Upon receipt of an appeal, the Township Clerk shall:
1. Cause to be published a notice of the application and the date and time for submission of written public comments in a newspaper of general circulation in the Township.
  2. Provide notice of the appeal to the MDEQ.
  3. Advise the applicant of his/her obligation to post the subject property with a sign that shall be no less than ten (10) square feet in size. The sign shall not be erected in the road right-of-way or in a manner to obstruct vision of motorists or pedestrians. The sign shall have lettering easily readable from the abutting street(s) and shall state that "AN APPEAL OF THE TOWNSHIP DECISION ON AN APPLICATION FOR A WETLANDS USE PERMIT ON THIS PROPERTY", and information on how to contact the Township Clerk.
- D. After a hearing, the Wetlands Board shall determine that the decision of the Wetlands Administrator or Deciding Body be affirmed, affirmed with modification, returned to the deciding body for reconsideration, or reversed. The time limitation may be extended with the consent of the applicant. The Board's decision shall be based on written findings.
- E. The decision, without further proceedings, shall become the final decision of the Township in the absence of an appeal for judicial review.
- a. An appeal for judicial review may be filed in accordance with The

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Michigan Administrative Procedures Act of 1969

**178-07.5 - Wetlands Use Permit Conditions**

- A. The Wetlands Administrator or deciding body shall attach any reasonable conditions considered necessary to ensure that the intent of this Section will be fulfilled, to minimize or mitigate damage or impairment to, encroachment in or interference with natural resources and processes within the protected wetlands or watercourses, or to otherwise improve or maintain the water quality. Any conditions related to wetlands mitigation shall follow the provisions of Section 8 of this Ordinance.
- B. The Wetlands Administrator or Deciding Body shall fix or recommend a reasonable time to complete the proposed activities.
- C. The Wetlands Administrator or deciding body, may require the applicant file with the Township a cash or corporate surety bond or irrevocable bank letter of credit in an amount, if any, determined necessary to ensure compliance with the wetlands use permit approval conditions and this Section.
- D. The Wetlands Administrator or deciding body shall require that final approval of a wetlands use permit application shall be contingent upon receipt of evidence by the Township that required state and federal permits, if any, have been obtained by the applicant.
- E. At no time shall the Wetlands Administrator or deciding body issue a wetlands use permit that allows a more extensive alteration of the wetlands than permitted by state or federal law.
- F. Wetlands use permits for seasonal operations need not be renewed annually unless otherwise stated in the permit.
- G. Any change that increases the size or scope of the operation and that affects the criteria considered in approving the permit may require the filing of a new wetlands use permit application.
- H. Any temporary, seasonal, or permanent operation that is discontinued for two (2) years or two (2) seasons shall be presumed to have been abandoned and the wetlands use permit automatically voided.
- I. Any permit granted under this Ordinance may be revoked or suspended by the Wetlands Administrator or deciding body, after notice and an opportunity for a hearing, for any of the following causes:

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1. A violation of a condition of the permit.
  2. Misrepresentation or failure to fully disclose relevant facts in the application.
  3. A change in a condition that requires a temporary or permanent change in the activity.
- J. An applicant who has received a wetlands use permit under this Ordinance shall comply with the following in connection with any construction or other activity on the property for which the wetlands use permit has been issued:
1. Maintain soil erosion control structures and measures, including but not limited to, silt fences, straw bale berms, and sediment traps. The permittee shall provide for periodic inspections throughout the duration of the project.
  2. Maintain clear delineation of the protected wetlands and wetlands setbacks so marked by the Wetlands Administrator or Township Wetlands Consultant during the on-site inspection) so that such locations are visible to all construction workers.
  3. Post on the site, prior to commencement of work on the site and continuing throughout the duration of the project, a copy of the approved wetlands use permit containing the conditions of issuance, in a conspicuous manner such that the wording of said permit is available for public inspection.
- K. The wetlands use permit shall remain effective for a time period coincidental with any other land use permit reviewed and approved in a time frame concurrent with the wetlands use permit. If applied for prior to the expiration date and concurrent with the expiring land use permit, the applicant may be granted an extension that corresponds to additional time granted for the underlying land use permit. Extensions shall be approved by Wetlands Administrator or deciding body. The maximum number of extensions shall coincide with the maximum number allowed for the underlying land use permit.
- L. When there is no other activity or permit involved, the wetlands use permit shall remain effective for one (1) year. A maximum of a one (1) year extension may be approved.

**178-07.6 - Review Standards and Criteria for Non-Contiguous Wetlands Less Than**

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**Two (2) Acres in Area**

- A. A wetlands use permit shall be approved with respect to a non-contiguous wetland less than two (2) acres in area unless Wetlands Administrator or deciding body determines that the wetland is essential to the preservation of the natural resources of the Township. It shall not be the burden of the property owner to prove that the wetland is not essential to the preservation of the natural resources of the Township.
- B. All non-contiguous wetland areas of less than two (2) acres which appear on the wetlands map or which are otherwise identified during a field inspection by the Township shall be analyzed for the purpose of determining whether such areas are essential to the preservation of the natural resources of the Township. If there is to be a denial of a wetlands use permit in a non-contiguous wetlands area of less than two (2) acres, then, on the basis of data gathered by or on behalf of the Township, findings shall be made in writing and given to the applicant stating the basis for the determination that such wetlands is essential to preservation of the natural resources of the Township. In order to make such a determination, there shall be a finding that one (1) or more of the following exists within such wetlands:
1. The site supports state or federal endangered or threatened plants, fish, or wildlife appearing on a list specified in Section 36505 of the Natural Resources and Environmental Protection Act (Act 451 of 1994).
  2. The site represents what is identified as a locally rare or unique ecosystem.
  3. The site supports plants or animals of an identified local importance.
  4. The site provides groundwater recharge documented by a public agency.
  5. The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetlands.
  6. The site provides wildlife habitat by providing breeding, nesting, feeding grounds or cover for forms of wildlife, waterfowl, including migratory waterfowl, and rare, threatened, or endangered wildlife species.
  7. The site provides protection of subsurface water resources and provision of valuable watersheds and recharging groundwater supplies.
  8. The site provides pollution treatment or control by serving as a biological and chemical oxidation basin.

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9. The site provides erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.
  10. The site provides sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.
- C. In connection with the determination whether the wetlands is essential to the preservation of the natural resources of the Township, the property owner shall make an election and response under Subsection 1 or 2 below, relative to each noncontiguous wetlands area less than two (2) acres.
1. In lieu of having the Township or its consultant proceed with the analysis and determination, the property owner may acknowledge that one (1) or more of the criteria in Subsections (B-1) through (B-10) above, exists on the wetlands in question, including a specification of the one or more criteria which do exist; or
  2. An election to have the Township or its consultant proceed with the analysis of whether each of the criteria in Subsections (B-1) through (B-10) exist or do not exist in the wetlands in question, including specific reasons for the conclusion in respect to each criterion.
- D. If the Township determines that the wetlands is not essential to the preservation of the natural resources of the Township, the Township's decision shall be so noted on the Township Wetlands Map, at the time it is amended. The requested activity shall be approved subject to all other applicable laws and regulations.

When a wetlands under two (2) acres in size has been determined to be essential to the natural resources of the Township and the Township has found that one or more of the criteria set forth exists at the site, the Township shall notify the applicant in writing stating the reasons for determining the wetlands to be essential to the preservation of the natural resources.

After determining that a wetlands less than two (2) acres in size is essential to the preservation of the natural resources of the Township, the wetlands use permit application shall be reviewed according to the standards in Section 7.7.

**178-07.7 - Review Standards for Wetlands Use Permits**

The criteria to evaluate wetlands use permits under this Ordinance and to determine whether a permit is granted are as follows:

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- A. A permit for any activity listed in Section 5.1 shall not be approved unless the proposed activity is in the public interest and is otherwise lawful in all respects. Public input shall be evaluated in approving, approving with conditions, or denying the application. The reasonable use of the property involved in accordance with applicable local ordinances and state law shall also be considered.

In determining whether the activity is in the public interest, the benefit which reasonably may be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity. The decision shall reflect the national, state, and local concern for the protection of natural resources from pollution, impairment, and destruction. The following general criteria shall be considered:

1. The relative extent of the public and private need for the proposed activity.
2. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.
3. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private uses to which the area is suited, including the benefits the wetlands provide.
4. The probable impact of each proposal-in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
5. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
6. The size and quality of the protected wetlands being considered.
7. The amount and quality of remaining wetlands in the area.
8. Proximity to any waterway.
9. Extent to which upland soil erosion adjacent to protected wetlands or drainage ways is controlled.
10. Economic value, both public and private, of the proposed land change to the general area.
11. Findings of necessity for the proposed project which have been made by federal, state or local agencies.

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- B. A wetlands use permit shall not be granted unless it is shown that:
1. An unreasonable disruption of aquatic resources will be avoided; and
  2. The proposed activity is primarily dependent upon being located in the protected wetlands; and
  3. A feasible and prudent alternative does not exist; and
  4. The manner in which the activity is proposed to be undertaken will result in the minimum negative impact upon protected wetlands, watercourses, and attendant natural resources under all of the circumstances.
- C. Following approval of the application, a wetlands use permit shall be issued upon determination that all other requirements of ordinance and law have been met, including site plan, plat or land use approval as applicable and including issuance of a permit by the MDEQ, if required under the Wetlands Protection Act. In cases where a MDEQ permit allows activities not permitted by the wetlands use permit approval granted under this Section, the restrictions of the approval granted under this Section shall govern.

**Section 178-08. Wetlands Mitigation and Restoration**

**178-08.1 - Findings That Wetlands And Watercourse Loss Is Unavoidable**

Mitigation shall not be considered a substitute for making all prudent attempts to avoid wetlands impacts.

- A. Prior to considering a proposal for wetlands mitigation, the Wetlands Administrator, or the deciding body, as applicable, shall make all of the following findings:
1. That all feasible and prudent efforts have been made to avoid the loss of protected wetlands.
  2. That all practical means have been considered to minimize protected wetlands impacts.
  3. That it is practical to replace the protected wetlands which will be unavoidably eliminated.
  4. That all alternatives for preserving protected wetlands and water courses

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have been evaluated and found to be impractical, inappropriate, or ineffective.

- B. To ensure no net loss of wetlands in the Township, mitigation shall be required in instances where there are losses of wetlands resources and where the Wetlands Administrator or the deciding body, as applicable have made the findings required in Section 8.1.A.

**178-08.2 - Criteria for Approving Proposals for Wetlands Mitigation**

If the Wetlands Administrator or deciding body, as applicable determines that it is practical to replace the protected wetlands which will be impacted, mitigation plans shall be approved only if all of the following criteria are met:

1. That the mitigation plan provides for the substantial replacement of the predominant functional values of the protected wetlands to be lost.
2. That the mitigation plan provides for no net loss of protected wetlands resources and watercourses unless the Wetlands Administrator, or the deciding body, as applicable determines that the net loss will result in a minimum negative impact upon protected wetlands, watercourses, and attendant natural resources under all of the circumstances.
3. Mitigation shall be provided on-site where practical and beneficial to the wetlands resources. If mitigation on-site is not practical and beneficial, then mitigation in the immediate vicinity, within the same watershed, of the permitted activity may be considered. Only if all of these options are impractical shall mitigation be considered elsewhere.
4. The mitigation plan will comply with all applicable federal, state, and local laws.
5. A plan to monitor preserved and replacement wetlands over a minimum of five years has been specified.

**178-08.3 - Other Mitigation Requirements**

- A. Wetlands mitigation and monitoring plans shall become conditions to the wetlands use permit and shall be the responsibility of the applicant.
- B. Financial assurances that mitigation is accomplished as specified by the permit conditions may be required by the Wetlands Administrator or Deciding Body, as applicable.

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- C. Any mitigation activity shall be completed before initiation of other permitted activities, unless a phased concurrent schedule can be agreed upon between the Wetlands Administrator or Deciding Body, as applicable, and the applicant.
- D. Wetlands mitigation plans that create less than two (2) acre wetlands shall meet one of the conditions listed in Section 7.6 B.1-10.
- E. An applicant shall protect the mitigation area by a permanent conservation easement or similar instrument that provides for the permanent protection of the natural resource functions and values of the mitigation site, unless the Administrator determines that such controls are impractical to impose.
- F. An applicant, with approval of the Administrator and the Department of Environmental Quality, may provide all or a portion of the mitigation through the acquisition of approved credits from a wetland mitigation bank established under Michigan R 281.951 et seq. and R 281. 921 et seq.

**Section 178-09. Fees, Penalties, and Enforcement**

**178-09.1 - Fees**

Applications for a wetlands use permit under this Section shall be accompanied by a non-refundable administrative application fee in an amount specified from time to time by resolution of the Township Board. In addition an applicant shall pay an escrow fee in an amount determined by resolution of the Township Board for the estimated cost of outside consultant(s) who may be retained by the Township in connection with the review of the application. In the event the cost of the services of the consultant(s) is less than the escrow fee, the applicant shall be refunded the balance. In the event the cost of the services of the consultant(s) exceeds the amount of the escrow fee, the applicant shall provide to the Township an additional escrow amount equivalent to no less than one-half (1/2) the original escrow amount. All review of the wetlands use permit application shall cease until such additional escrow amount is deposited with the Township, and the number of days during which all review of the wetlands use permit application is ceased shall be deducted from the time limits within which the Township would otherwise act upon the application. In the event the cost of the service of the consultant(s) is less than the subsequent escrow fee(s), the applicant shall be refunded the balance. A denial of an application for a wetlands use permit shall not affect the applicant's obligation to pay the fees provided for in this Section.

**178-09.2 - Penalties And Enforcement**

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A. Restoration Requirements for Illegal Wetlands Alteration

In the event of a violation involving illegal alteration of a watercourse or protected wetlands under this Section, the Township shall have the power to order complete restoration of the watercourse or protected wetlands area by the person or agent responsible for the violation. If such responsible person or agent does not complete such restoration within a reasonable time following the order, the Township shall have the authority to restore the affected watercourse or protected wetlands to their prior condition wherever possible, and the person or agent responsible for the original violation shall be held liable to the Township for the cost of restoration. Requirements and watercourse or protected wetlands restorations ordered by the Township shall be coordinated with state and/or federal agency requirements and specifications for watercourse or wetlands restoration.

B. Penalties

In addition to the rights and remedies herein provided to the Township, any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding Five Hundred Dollars (\$500.00), or be imprisoned in the county jail for a period not exceeding ninety (90) days, or be both so fined and imprisoned. Each day such violation is continued or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

C. Injunction

Any activity conducted in violation of this Section is declared to be a nuisance per se, and the Township may commence a civil suit in any court of competent jurisdiction for an order abating or enjoining the violation, and/or requiring restoration of the protected wetlands or watercourse as nearly as possible to its condition before the violation.

D. Stop-Work Order

The Township may also issue a stop-work order or withhold issuance of a Certificate of Occupancy, permits or inspection until the provisions of this Ordinance, including any conditions attached to a wetlands use permit, have been fully met. Failure to obey a stop-work order shall constitute a violation of this Ordinance.

E. Appearance Tickets

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In all arrests and prosecutions for violation of this Ordinance, appearance tickets and the appropriate procedures set forth in Act 147, Michigan Public Acts of 1968, as amended, may be used.

F. Enforcement

The Wetlands Administrator or Deciding Body or his/her agent, officer or employee shall have authority under this Ordinance to enter upon privately-owned land for the purpose of performing the Township's duties under this Ordinance and may take or cause to be made such examinations, surveys or samplings as are deemed necessary.

**178-09.3 - Reporting and Record Keeping**

- A. Any citizen observing what he or she believes or suspects may be an instance of noncompliance with the provisions of this Ordinance may report the observation to any official or employee of the Township.
- B. Any report received pursuant to Subsection A. of this Section shall be forwarded immediately to the Township Ordinance Officer and the Township Clerk.
- C. Township Ordinance Officer Duties
  - 1. The Township Ordinance Officer shall inspect the site of the suspected noncompliance as soon as is reasonably practical, but in no case later than the close of business five (5) business days after receiving the report.
  - 2. The Township Ordinance Officer shall complete an entry for the report into the Wetlands Log.
  - 3. The Township Ordinance Officer may enlist the expertise of the Wetland Administrator if necessary to determine whether a violation of this Ordinance has occurred.
  - 4. The Township Ordinance Officer shall take any actions within his or her authority necessary to ensure this Ordinance is enforced.
- D. Wetlands Log

The Township Ordinance Officer shall maintain a Wetlands Log at the Township Office. The Log shall be used to identify all actions and communications regarding

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properties or uses of properties which have been evaluated for compliance with this Ordinance. The Log shall be available to the public upon demand during normal business hours. The Log shall contain the following information:

1. Date: the date the entry was initiated.
2. Address/Location of Property: the street address, if available, or descriptive text or vicinity map sufficient to enable citizens to identify the property in question.
3. Nature of the inquiry, if any.
4. Permit or Log Number: If it has been determined that the use being made of the property does not require a Wetlands Permit from Superior Township, a Log number shall be assigned. Otherwise, the Permit number shall be maintained.
5. Compliance Status: A record shall be made of whether the use being made of the property is in compliance with the Provisions of this Ordinance, the date the determination was made, and the name(s) of the Township official and/or consultant who made the determination.
6. Sidwell property number.
7. Nature of violation.
8. Date violation confirmed.
9. Name of person confirming the violation.
10. Enforcement action taken.
11. Date of enforcement action taken.
12. Outcome of enforcement action: If outcomes are appealed by the property owner or any other party, each appeal shall be noted, and its outcome shall also be noted under this heading.
13. Other information which may be useful in describing the issue, the parties, the actions taken, etc.

**Section 178-10. State Notification**

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**178-10.1 - Notice to the Michigan Department of Environmental Quality**

The Township shall notify the MDEQ of the adoption or modification of this Ordinance. The Township shall cooperate with the MDEQ in the enforcement of the Wetlands Protection Act as to wetlands under the MDEQ's jurisdiction as defined under this Ordinance.

**Section 178-11. Ordinance Conflict**

**178-11.1 - Abrogation and Conflict of Authority**

Nothing in this Ordinance shall be interpreted to conflict with present or future state statutes in the same subject matter; conflicting provisions of this Ordinance shall be abrogated to, but only to, the extent of the conflict. Moreover, the provisions of this Ordinance shall be construed, if possible, to be consistent with relevant state regulations and statutes. If any part of this Ordinance is found to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision. Such holding shall not affect the validity of the remaining portions thereof, and the remainder of the Ordinance shall remain in force. Rights and duties which have matured, penalties which have been incurred, proceedings which have begun (except as set forth in Section 5.3 and Section 6 herein) and prosecutions for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance.

**Section 178-12. Property Tax Assessment**

- A. If a wetlands use permit is denied by the Township, a landowner may appear at the annual Board of Review for the purpose of seeking a re-valuation of the affected property for assessment purposes to determine its fair market value under the use restriction.
- B. A landowner who is aggrieved by a determination, action, or inaction under this subsection may protest and appeal that determination, action, inaction pursuant to the general property tax act, Act No. 205 of the Public Acts of 1893, being sections 211.1 to 211.157 of the Michigan Compiled Laws.

**Section 178.13. Repeal-** All ordinances or parts of an ordinance in conflict with this ordinance are hereby repealed. The existing Ordinance No. 135, being an ordinance for the control and preservation of wetlands and watercourses effective December 16, 1996 and amended effective January 25, 1998, is hereby repealed. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or

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forfeiture incurred, or any pending fee, assessments, litigation or prosecution of any right established, occurring prior to the effective date hereof.

**Section 178.14. Publication and Effective Date** – This Ordinance shall be published pursuant to Section 8 of the Charter Township Act, being MCL 42.8 by posting in the Office of the Clerk, 3040 N. Prospect, Ypsilanti, 48198, and on the Township website – www.superior-twp.org – with notice of such in *The Ypsilanti Courier*, a newspaper of general circulation in the Township, qualified under state law to publish legal notices, and the same shall be recorded in the Ordinance Book of the Township, and such recording authenticated by the signatures of the Supervisor and Clerk. Per MCL 42.22, said Ordinance shall be effective immediately upon publication thereof.

10. **NEW BUSINESS**

**A. UTILITY DEPARTMENT WATER STORAGE FEASIBILITY STUDY**

On February 4, 2009, the Board approved a contract for Orchard, Hiltz and McCliment Civil Engineering to complete a feasibility study for a water storage facility. The facility would provide service to the existing urban service area, excluding the St. Joseph Hospital area. The study has been completed and OHM Engineers, Dave Schroeder and Rhett Gronevelt, and Township Utility Director Rick Church, made a presentation to the board on the feasibility study. The study examined flow data, storage volume, storage types (elevated or ground), location, cost analysis and project costs. The feasibility study indicated that the most cost effective water storage would be a ground storage unit located at the existing booster station at the corner of Leforge and Clark Roads. Utility Director Rick Church explained that water storage is a recommendation contained in the Township's 2005 Water System Master Plan and having water storage provides protection during a water shut-off emergency. Also, by having this feasibility study completed, it brings the Township one step closer to being "shovel ready" for grant applications. Supervisor McFarlane recommended that no design work, or further action be taken on implementing water storage, unless there was a significant event. Such events would include, an opportunity to submit a grant or increased development.

It was moved by McKinney, and seconded by Caviston to receive the Water Storage Tank Feasibility Study from OHM, dated December 21, 2009.

Roll call vote:

Ayes: McFarlane, McKinney, Phillips, Caviston, Green, Williams

Nays: None

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Absent: Lewis

The motion carried

**B. PLANNING DEPARTMENT FEE STRUCTURE REVISION**

Township Accountant Susan Mumm and Township Planning Coordinator Deborah Kuehn made a presentation to the Board on revising the assessment and charging of administrative fees for planning review and engineering inspections charged by the Planning Department. The current system adds a 15% administrative fee only if the review or inspection costs exceed the amount of the original escrow. Mumm and Kuehn recommended initiating a sliding scale ranging from 2% to 10% based upon the invoice total on all charges billed to escrow accounts. It was felt that this method more accurately reflects the cost to the Township for the work performed by Township staff to process the invoices. If the Board approves the revisions, a Resolution to Amend Fees Pertaining to the Superior Charter Township Zoning Ordinance will be prepared and presented to the Board for their approval.

It was moved by McKinney, and seconded by Williams, to approve the revision of the assessment and charging of administrative fees by the Planning Department as outlined by Susan Mumm's December 21, 2009 Memo.

Roll call vote:

Ayes: McKinney, Phillips, Caviston, Green, Williams, McFarlane

Nays: None

Absent: Lewis

**C. RESOLUTION TO AUTHORIZE THE DISTRIBUTION OF THE DRAFT MASTER PLAN**

In January 2009, the Planning Commission began a review and revision of the Growth Management Plan. They have completed their review and prepared a draft. The Michigan Planning Enabling Act, PA 33 of 2008, as amended, requires the draft plan be distributed to surrounding communities for review and comment. They have sixty-three days from the date they receive the draft to forward their comments to the Township. It is being requested that the Board approve the distribution of the draft Master Plan as required by the law.

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Superior Charter Township  
Washtenaw County, Michigan

A Resolution of the Township Board to  
Authorize Distribution of the Draft Master Plan  
for Review and Comment

The following preamble and resolution were offered by Caviston and supported by Green.

**WHEREAS**, Superior Charter Township initiated a process in January 2009 to update the adopted Growth Management Plan as a new Township "Master Plan" for the future development of the Township in accordance with requirements of the Michigan Planning Enabling Act ("the Act"), which is Public Act 33 of 2008 as amended; and

**WHEREAS**, the Township Planning Commission has reviewed the 2004 Growth Management Plan, identified priorities for improvement, and completed preparation of a draft Superior Charter Township Master Plan for consideration; and

**WHEREAS**, on December, 21 2009 the Planning Commission recommended to the Township Board that the draft Master Plan be distributed to surrounding jurisdictions and Washtenaw County for review and comment in accordance with the Act.

**NOW, THEREFORE, BE IT RESOLVED** that the Superior Charter Township Board of Trustees concurs with the Planning Commission, and hereby directs that copies of the draft Master Plan be forwarded to Washtenaw County, all local units of government contiguous to the Township, and other entities as required by Section 41(2) of the Act, along with an invitation to review the plan and submit written comments to the Township.

Roll call vote:

Ayes: McFarlane, McKinney, Phillips, Caviston, Green, Williams

Nays: None

Absent: Lewis

The motion carried

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**D. SET THE PUBLIC HEARING FOR CONSENT JUDGMENT, SUPERIOR TOWNSHIP AND HUMMANA, LLC AND NYR82, LLC**

Clerk Phillips provided a Memo indicating that Hummana LLC and NYR82 LLC and Superior Township have negotiated a possible settlement that would result in the lawsuit against the Township being dismissed with prejudice. A Consent Judgment has been negotiated by all parties. Clerk Phillips requested that the Board schedule a Public Hearing at their next regularly scheduled Board meeting of January 19, 2010. Clerk Phillips explained that there is no legal requirement to hold the hearing. However, the Township Administrative staff wants to provide all available information to the community and receive comments from the community before making a decision.

It was moved by McKinney, seconded by Green, to schedule a Public Hearing concerning the Consent Judgment between Hummana LLC and NYR82 LLC and Superior Township for the next regularly scheduled Board meeting of January 19, 2010.

The motion carried by a unanimous voice vote.

**E. AWARD CONTRACT TO COMPLETE AN APPRAISAL ON THE HUMMANA, LLC PROPERTY**

Clerk Phillips provided a Memo which indicated that bids were requested from two appraisers. Both appraisal companies are certified and well-qualified to complete the appraisals. Alcock and Williams' fee is \$2,400 for the appraisal on parcel #1 and \$6,000 for the appraisal on parcel #2, for a total of \$8,400. They indicated they expected to complete these two appraisals by the end of January, 2010, and may have enough data to provide a verbal opinion by mid-January. The Nationwide Group's fee is \$1,995 for the appraisal on parcel #1 and \$4,995 for the appraisal on parcel #2, for a total of \$6,990. They indicated they will be able to deliver a written report to the Township by January 11, 2010. Clerk Phillips recommended that based upon a lower price and their ability to provide a completed appraisal report within the time frame required by the Township, that the contract for the appraisals for parcels #1 and #2 of the Hummana property be awarded to the Nationwide Group.

It was moved by McKinney and seconded by Green, to concur with Clerk Phillips' recommendation and award the contract to complete the two appraisals on the Hummana property to the Nationwide Group for a cost not to exceed \$6,990.00.

Roll call vote:

Ayes: McKinney, Phillips, Caviston, Green, Williams, McFarlane

Nays: None

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Absent: Lewis

The motion carried

**F. EMPLOYEE REQUEST TO PURCHASE MER'S CREDITED SERVICE YEARS**

Supervisor McFarlane explained that due to the slow down of new housing and other construction, the Building Department will experience a reduced inspection workload in the near future. Building Inspector John Diefenbacher will be laid-off effective January 29, 2010. Mr. Diefenbacher has been a valued employee and has provided excellent service to the Township. Mr. Diefenbacher has requested to purchase additional Credited Service from MERS (Municipal Employee's Retirement System of Michigan). Supervisor McFarlane indicated that allowing the purchase of the additional Credited Service would not have a negative financial impact on the Township. Supervisor McFarlane recommended that the Township Board approve Mr. Diefenbacher's request to purchase five years of additional Credited Service from MERS.

It was moved by McKinney, seconded by Phillips, to approve Mr. John Diefenbacher's request to allow him to purchase five years of additional Credited Service from MERS.

The motion carried by a unanimous voice vote.

**G. BUDGET AMENDMENTS, ALL FUNDS**

It was moved by Caviston, seconded by McKinney, that the Superior Charter Township Board amend the following 2009 Budgets:

<b>GENERAL FUND BUDGET AMENDMENTS 12-21-09</b>			
<b>BUDGET LINE #</b>	<b>DESCRIPTION</b>	<b>DEBIT</b>	<b>CREDIT</b>
101-000-403-050	PRIOR YEAR TAX PERS PROP REVENUE	INCREASE	\$ 3,524.00
101-000-452-000	COMCAST CABLE TV FRANCHISE FEES	INCREASE	\$ 8,364.00

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101-000-452-001	AT&T CABLE FRANCHISE FEES	INCREASE	\$ 10,120.00
101-000-574-000	STATE SHARED REVENUES	\$ 52,493.00	DECREASE
101-000-607-000	PLANS & PERMITS ADMIN FEES	\$ 7,600.00	DECREASE
101-000-607-050	PLANS & PERMITS BASE FEES	\$ 11,000.00	DECREASE
101-000-607-074	CHARGES ABOVE BASE ADMIN FEES	\$ 2,500.00	DECREASE
101-000-607-076	CHARGES ABOVE BASE REIMBURSEMENTS	\$ 7,500.00	DECREASE
101-000-626-000	SUMMER TAX COLLECTION FEES	INCREASE	\$ 2,667.00
101-000-664-000	INTEREST	\$ 26,000.00	DECREASE
101-000-664-085	DELQ INTEREST & PENALTIES	INCREASE	\$ 2,195.00
101-000-671-000	MISC INCOME	INCREASE	\$ 9,005.00
101-101-702-050	CARMEN 1/2 SALARY NOV & DEC	\$ 6,900.00	INCREASE
101-101-715-050	CARMEN 1/2 FICA NOV & DEC	\$ 528.00	INCREASE
101-101-716-050	CARMEN 1/2 HEALTH/LIFE INSUR NOV DEC	\$ 1,025.00	INCREASE
101-101-719-000	MESC UNEMPLOYMENT BENEFITS	\$ 1,548.00	INCREASE
101-101-801-00	PROF SERVICES	\$ 3,000.00	INCREASE
101-101-851-000	INSURANCE	DECREASE	\$ 4,000.00
101-101-958-000	MEMBERSHIPS & DUES	\$ 1,000.00	INCREASE
101-191-702-000	ELECTION DEPT SALARIES	\$ 1,000.00	INCREASE
101-191-703-000	ELECTION DEPT CONTRACT SERVICES	\$ 2,662.00	INCREASE
101-201-702-050	SALARY CARMEN ACCOUNTING DEPT	DECREASE	\$ 8,660.00
101-201-715-050	FICA CARMEN ACCOUNTING DEPT	DECREASE	\$ 444.00
101-201-716-050	HEALTH INSUR CARMEN ACCOUNTING DEPT	DECREASE	\$ 1,055.00
101-210-801-000	LEGAL SERVICES	DECREASE	\$ 36,000.00

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101-253-702-050	DEPUTY TREASURER SALARY	\$ 2,426.00	INCREASE
101-253-702-055	TREASURER ASSISTANT SALARY	DECREASE	\$ 13,251.00
101-253-716-051	DEPUTY TREASURER HEALTH INSUR	\$ 4,650.00	INCREASE
101-253-717-050	DEPUTY TREASURER TAXABLE BENEFITS	DECREASE	\$ 2,654.00
101-253-718-050	DEPUTY TREASURER PENSION	\$ 300.00	INCREASE
101-253-718-075	TREASURER ASSISTANT PENSION	DECREASE	\$ 2,800.00
101-258-740-000	OPERATING SUPPLIES COMPUTER DEPT	\$ 1,500.00	INCREASE
101-258-801-000	COMPUTER DEPT PROF SERVICES	\$ 6,000.00	INCREASE
101-265-702-000	SALARIES BUILD MAIT DEPT	\$ 1,489.00	INCREASE
101-265-920-000	UTILITIES	DECREASE	\$ 1,500.00
101-265-930-000	REPAIR & MAIT	DECREASE	\$ 6,000.00
101-265-976-000	BLDG IMPROVEMENTS	DECREASE	\$ 15,000.00
101-266-947-015	HARRIS RD NON-MOTOR TRAIL	\$ 20,000.00	INCREASE
101-278-702-033.	ORD OFFICER SALARY	\$ 2,000.00	INCREASE
101-278-715-033	SOC SEC ORD OFFICER	\$ 153.00	INCREASE
101-278-860-000	TRANSPORTATION ORD OFFICER	\$ 500.00	INCREASE
101-410-801-010	STAGE 1 PLANNING/ENG	DECREASE	\$ 11,000.00
101-410-801-012	STAGE 2 ENG	DECREASE	\$ 3,900.00
101-410-801-016	NON-PROJECT PLANNING COSTS	\$ 12,000.00	INCREASE
101-410-801-020	PROJECT COSTS ABOVE BASE	DECREASE	\$ 5,236.00
101-266-947-009	ROUGE WATERSHED DUES	DECREASE	\$ 7,500.00
101-266-947-007	HURON WATERSHED COUNCIL DUES	DECREASE	\$ 3,270.00

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101-890-890-000	HEALTH INSUR INCREASES	DECREASE	\$ 5,000.00
101-890-895-000	BAD DEBT	\$ 2,032.00	INCREASE
101-446-866-000	ROAD MAIT & REPAIR	DECREASE	\$ 46,367.00
101-000-699-000	APPROPRIATION FROM FUND BALANCE	\$ 31,706.00	DECREASE
	<b>TOTAL OF DEBITS/CREDITS</b>	<b>\$ 209,512.00</b>	<b>\$ 209,512.00</b>

**LAW FUND BUDGET AMENDMENTS 12-21-09**

BUDGET LINE #	DESCRIPTION	DEBIT	CREDIT
266-000-664-000	INTEREST	\$ 18,200.00	DECREASE
266-000-664-050	INTEREST ON RESERVES	\$ 11,100.00	DECREASE
266-310-703-001	SHERIFF'S OVERTIME	\$ 15,000.00	INCREASE
266-310-703-002	SPECIAL OPERATIONS	\$ 15,000.00	INCREASE
266-310-703-003	SUMMER DEPUTY	\$ 35,494.00	INCREASE
266-000-661-000	SYCAMORE SUMMER DEPUTY CONTRIBUTION	INCREASE	\$ 11,258.00
266-000-661-025	DANBURY SUMMER DEPUTY CONTRIBUTION	INCREASE	\$ 6,489.00
266-310-920-000	UTILITIES	DECREASE	\$ 2,700.00
266-310-930-00	REPAIR & MAIT	\$ 1,000.00	INCREASE
266-000-699-025	TRANSFER TO RESERES	DECREASE	\$ 70,347.00
266-310-976-000	BLDG ADDITIONS & IMPROVEMENTS	DECREASE	\$ 5,000.00
	<b>TOTAL OF DEBITS/CREDITS</b>	<b>\$ 95,794.00</b>	<b>\$ 95,794.00</b>

FIRE FUND	BUDGET AMENDMENTS 12/21/09	
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BUDGET LINE #	DESCRIPTION	DEBIT	CREDIT
206-000-664-000	INTEREST	\$ 1,500.00	DECREASE
206-000-695-000	FALSE ALARM CHARGES	\$ 3,000.00	DECREASE
206-336-702-000	SALARIES	DECREASE	\$ 40,000.00
206-336-702-001	OVERTIME	DECREASE	\$ 28,000.00
206-336-702-005	SALARY FIRE CHIEF	\$ 5,800.00	INCREASE
206-336-702-006	FIRE MARSHAL SALARY	\$ 2,700.00	INCREASE
206-336-707-000	SALARIES ON-CALL STAFF	DECREASE	\$ 4,200.00
206-336-710-000	TRAINING	DECREASE	\$ 3,000.00
206-336-715-000	SOC SEC FULL-TIME STAFF	DECREASE	\$ 8,500.00
206-336-716-025	HEALTH INSUR RETIREES	DECREASE	\$ 4,300.00
206-336-717-006	TAXB BENEFITS FIRE MARSHAL	\$ 1,452.00	INCREASE
206-336-717-033	BENEFIT DAY CASHOUTS	DECREASE	\$ 6,000.00
206-336-718-000	PENSION FULL TIME STAFF	DECREASE	\$ 4,000.00
206-336-860-000	TRANSPORTATION	\$ 3,200.00	INCREASE
206-336-920-000	UTILITIES	DECREASE	\$ 13,652.00
206-336-930-000	REPAIR & MAIT	DECREASE	\$ 8,000.00
206-965-965-000	TRANS TO GENERAL RESERVE	\$ 102,000.00	INCREASE
	<b>TOTAL OF DEBITS/CREDITS</b>	<b>\$ 119,652.00</b>	<b>\$ 119,652.00</b>

<b>FIRE RESERVES FUND BUDGET AMENDMENTS 12/21/09</b>			
BUDGET LINE #	DESCRIPTION	DEBIT	CREDIT

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207-000583-000	TRANSFERS IN FROM FIRE OPER FUND	INCREASE	\$ 102,000.00
207-965-965-000	TRANS TO GEN RESERVE	\$ 102,000.00	INCREASE
	<b>TOTAL OF DEBITS/CREDITS</b>	<b>\$ 102,000.00</b>	<b>\$ 102,000.00</b>

<b>BUILDING FUND BUDGET AMENDMENTS 12-21-09</b>			
<b>BUDGET LINE #</b>	<b>DESCRIPTION</b>	<b>DEBIT</b>	<b>CREDIT</b>
249-000-664-000	INTEREST	\$ 913.00	DECREASE
249-000-664-050	RESERVE INTEREST	\$ 836.00	DECREASE
249-371-202-000	ACCOUNTING /HR	DECREASE	\$ 3,000.00
249-371-258-000	COMPUTER SUPP/EQUIP	\$ 2,000.00	INCREASE
249-371-265-000	BLDG REPAIR & MAIT & UTIL	DECREASE	\$ 3,500.00
249-371-703-000	CONTRACT SERVICES	\$ 1,000.00	INCREASE
249-371-718-050	BLDG DEPT SECRETARY SOC SEC	\$ 420.00	INCREASE
249-371-716-000	BLDG OFFICIAL HEALTH INSUR	\$ 726.00	INCREASE
249-371-716-050	BLDG SECRETARY HEALTH INSUR	\$ 1,000.00	INCREASE
249-371-717-050	BLDG SECRETARY TAXABLE BENEFITS	\$ 8,857.00	INCREASE
249-371-718-045	ASSIST BLDG INSPECTOR PENSION	DECREASE	\$ 900.00
249-371-718-050	BLDG SECRETARY PENSION	\$ 800.00	INCREASE
249-371-740-000	OPERATING SUPPLIES	DECREASE	\$ 800.00

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249-371-801-000	PROFESSIONAL SERVICES	\$ 2,600.00	INCREASE
249-371-801-025	LEGAL FEES	DECREASE	\$ 800.00
249-371-851-000	INSURANCE AND BONDS	DECREASE	\$ 2,000.00
249-371-860-000	TRANSPORTATION	DECREASE	\$ 2,000.00
249-371-930-000	REPAIR & MAIT OTHER	\$ 3,000.00	INCREASE
249-371-954-000	EQUIP RENTAL	\$ 750.00	INCREASE
249-371-957-000	BOOKS & PERIODICALS	DECREASE	\$ 700.00
249-000-699-000	APPROPRIATION FROM FUND BALANCE	INCREASE	\$ 2,653.49
249-000-699-025	APPROPRIATION FROM RESERVES	INCREASE	\$ 6,548.51
	<b>TOTAL OF DEBITS/CREDITS</b>	<b>\$ 22,902.00</b>	<b>\$ 22,902.00</b>

<b>PARK FUND BUDGET AMENDMENTS</b>		<b>DECEMBER 21, 2009</b>	
<b>BUDGET LINE #</b>	<b>DESCRIPTION</b>	<b>DEBIT</b>	<b>CREDIT</b>
508-000-605-000	ORDINANCE VIOLATION REVENUE	INCREASE	\$ 650.00
508-000-671-000	DISPOSITION OF ASSETS	INCREASE	\$ 1,690.00
508-000-695-050	DONATIONS	\$ 500.00	DECREASE
508-751-727-000	OFFICE SUPPLIES	DECREASE	\$ 1,000.00
508-751-801-000	PROF SERVICES	DECREASE	\$ 1,000.00
508-751-851-00	INSURANCE & BONDS	DECREASE	\$ 4,500.00
508-751-930-000	REPAIR & MAIT	DECREASE	\$ 1,000.00
508-754-704-000	STAFF SEASONAL REC DEPT	DECREASE	\$ 7,500.00
508-755-702-000	PARK RANGER SALARY	DECREASE	\$ 2,500.00

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508-755-704-000	SEAS STAFF SALARY	\$ 1,500.00	INCREASE
508-755-715-075	SEAS STAFF SOC SEC	\$ 120.00	INCREASE
508-755-718-075	SEAS STAFF PENSION	DECREASE	\$ 1,500.00
508-755-740-001	OPERATING SUPPLIES MAIT DEPT	DECREASE	\$ 2,500.00
508-755-740-004	SAND GRAVEL BARK	DECREASE	\$ 500.00
508-755-741-000	UNIFORMS	DECREASE	\$ 500.00
508-755-742-000	FUEL	DECREASE	\$ 1,000.00
508-755-930-000	REPAIR & MAIR	\$ 6,600.00	INCREASE
508-755-951-000	BEAUTIFICATION	DECREASE	\$ 11,000.00
508-755-974-000	SMALL TOOLS	DECREASE	\$ 2,800.00
508-755-977-000	EQUIPMENT	\$ 21,000.00	INCREASE
508-756-740-000	OPER SUPPLIES PARK DEVELOPMENT	\$ 136.00	INCREASE
508-756-947-000	PROJECT COSTS	\$ 3,913.00	INCREASE
508-965-965-000	TRANSFER TO RESERVE	\$ 5,871.00	INCREASE
	<b>TOTAL OF DEBITS/CREDITS</b>	<b>\$ 39,640.00</b>	<b>\$ 39,640.00</b>

**11. PAYMENT OF BILLS**

It was moved by McKinney, seconded by Green, that the bills be paid as submitted in the following amounts: General - \$6,992.75, Law- \$10,519.79 and Utilities-\$139,235.10 for a total \$156,747.64; further, that the Record of Disbursements be received.

The motion carried by a voice vote.

**12. PLEAS AND PETITIONS**

**SUPERIOR CHARTER TOWNSHIP BOARD  
REGULAR MEETING  
DECEMBER 21, 2009  
PROPOSED MINUTES  
PAGE 47**

Mr. Ben Dor requested that the appraisal on the Hummana parcels be completed so that the values are determined without the right to place any building on the parcel. Supervisor McFarlane responded that an appraisal was not being completed on the stable and arena parcel.

**13. ADJOURNMENT**

It was moved by Caviston, supported by McKinney, that the meeting adjourn. The motion carried by a voice vote and the meeting adjourned at 9:05 p.m.

Respectfully submitted,

David Phillips, Clerk

William McFarlane, Supervisor

STATE OF MICHIGAN

WASHTENAW COUNTY CIRCUIT COURT

HUMMANA, LLC and NYR82, LLC,  
Michigan limited liability companies, jointly  
and severally,

Plaintiffs,

v

File No: 08-07-CZ

Hon. ARCHIE C. BROWN

CHARTER TOWNSHIP OF SUPERIOR,  
Defendant

---

Robert A. Jacobs (P15402)  
Jackier Gould, PC  
Attorney for Plaintiffs  
121 W. Long Lake Road, Suite 200  
Bloomfield Hills, MI 48304-2719  
Telephone: 248-433-2594

Frederick Lucas (P29074)  
Lucas Law, PC  
Attorney for Defendant  
7577 US 12, Ste A  
Onsted, MI 49265  
Telephone: 517-467-4000  
Fax: 517-467-4044

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**CONSENT JUDGMENT**

At a session of said Court held in the City of Ann Arbor,  
Washtenaw County, Michigan on \_\_\_\_\_, 2010.

PRESENT: Honorable Archie C. Brown

**P R E A M B L E**

Plaintiffs, Hummana, LLC and NYR82, LLC, are Michigan limited liability companies and fee title owners of approximately 77.18 $\checkmark$  acres of land (hereinafter referred to as the "Subject Property") located at the northwest corner of the intersection of Prospect and Geddes Roads in defendant, Superior Township, Washtenaw County, Michigan. It is more fully described in attached Exhibit A and depicted in Exhibit B.

The Subject Property is located outside the Urban Services Area, as delineated by the Township's Growth Management Plan/Master Plan, as established by the

Superior Township Board of Trustees,

The Subject Property is zoned Agricultural (A-2) District, an Agricultural District under the Zoning Ordinances of the Township.

On April 4, 2007, Plaintiffs filed an application to rezone the Subject Property from A-2 Secondary Agricultural to R-4 Single-Family Urban Residential. On August 22, 2007, the Township Planning Commission recommended denial of the application and on September 17, 2007, the Township Board voted to deny the rezoning request. Finally, on December 6, 2007 the Township Zoning Board of Appeals denied Plaintiffs' dimensional and use variance requests.

Plaintiffs, thereafter, filed the above captioned proceedings seeking mandamus, superintending control, injunctive, rezoning and equitable and other relief, taking and damages.

The parties now desire to settle this lawsuit in accordance with the terms and conditions of this Consent Judgment, in order to avoid further cost and expense and the uncertainty of a trial, and to resolve their disputes relative to this matter, without any admission of liability.

**BY CONSENT OF THE PARTIES IT IS HEREBY ORDERED:**

**1. Zoning.**

The Subject Property shall remain zoned Agricultural (A-2) District pursuant to the Superior Township Zoning Ordinance and subject to the terms of this Consent Judgment, may be used for all purposes as set forth within such Ordinance. A copy of Agricultural (A-2) District and the Land Use Table from the Zoning Ordinance is attached as Exhibit C and the Use Standards from the

Zoning Ordinance is attached as Exhibit D. The Township has the right to apply the Open Space Preservation (OSP) Overlay District to any parcel of land covered by a Conservation Easement as hereafter described.

**2. Township Acquisition of Firehouse Parcel.**

- a. Plaintiffs shall convey to the Township by warranty deed, 8.15 $\nabla$  acres of the Subject Property, more fully described in Exhibit E, (hereafter the "Firehouse Parcel").
- b. The purchase price shall be three hundred thousand and 00/100 (\$300,000.00) dollars, which shall be paid to the plaintiff within 7 days of entry of this Consent Judgment.
- c. Title to the Firehouse Parcel shall be free and clear of all liens. Plaintiffs shall provide the township with evidence of title.

**3. Conservation Easement.**

- a. The Township shall purchase from Plaintiffs a Conservation Easement over 34 acres of the Subject Property, as more fully described in Exhibit F, (hereafter the "Conservation Parcel") for the sum of one hundred thousand and 00/100 (\$100,000.00) dollars, which shall be paid to the plaintiff within 7 days of entry of this Consent Judgment.
- b. Upon a Conservation Easement being granted upon the 34 acre parcel, the Township has the right to apply the Open Space Preservation (OSP) Overlay District to the parcel.
- c. The Conservation Easement, a copy of which is attached as Exhibit G, shall preserve and restrict the use of the Conservation Parcel.

- d. The Conservation Easement and this Consent Judgment shall establish the allowed uses and the type and size of building allowed to be erected on the Conservation Parcel. The Easement will limit uses to farming and other agricultural activities. Building will be limited to barns, storage buildings and animal shelters which involve a use related to agricultural activities that occur on the Conservation Parcel and have a maximum ground floor coverage of fifteen (15,000) square feet of total gross floor area. To the extent that the rights contained in this paragraph conflict with the Open Space Preservation (OSP) Overlay district use or requirements than this paragraph shall be controlling.
- e. The Conservation Easement shall run with the land.
- f. Prior to or at closing, Plaintiffs shall obtain and deliver to the Township subordination agreements from all lien holders having an interest in the Conservation Parcel.
- g. Plaintiff shall provide the Township with evidence of a title free and clear of all interests other than those held by any mortgagee whose interest is to be subordinated to the Conservation Easement.

**4. Permitted Uses for the Stables Parcel.**

- a. Plaintiffs may utilize 29.03 $\checkmark$  acres of the Subject Property, as more fully described in Exhibit H, (hereafter referred to as the "Stables Parcel") for the following uses:
  - i. Agricultural service establishments as defined in Section 5.101 $\ddagger$ ;
  - ii. Bulk feed farm supply stores as defined in Section 5.101 $\ddagger$ ;

- iii. Private riding arena or boarding stable as defined in Section 5.107<sup>‡</sup>;
- iv. Public or commercial riding stable as defined in Section 5.108<sup>‡</sup>;
- v. All other permitted principal uses in the Agricultural (A-2) District, including all agricultural permitted business uses allowed by the Ordinance in existence at the time this Consent Judgment is entered, except that no intensive livestock operations of the type commonly referred to as “factory farms” shall be permitted;
- vi. Selling of supplies, products and equipment in conjunction and normally associated with a riding stable or equestrian facility, including without limitation, saddles, bridles, brushes, harness equipment, boots, clothing and associated accessories in conjunction with such use;
- vii. Feed and grain production, storage and sales;
- viii. Storage and sale of fertilizer and related products;
- ix. All other permitted, conditional and accessory uses in the Agricultural (A-2) District, subject to the approval process set forth in the Township Zoning Ordinance in existence at the time this Consent Judgment is entered, which approval shall not be unreasonably withheld or denied.

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<sup>‡</sup>All references to Zoning Ordinance provisions are to the Township Zoning Ordinance in existence at the time this Consent Judgment is entered.

- b. All of the uses herein permitted shall be required to meet all of the dimensional, setback and other requirements as set forth in the Township Zoning Ordinance in existence at the time this Consent Judgment is entered, except for any use which is for a riding stable, which may be continued as a legally permitted and conforming use.
- c. Plaintiffs may have structures on the Stables Parcel, but the square footage of all such structures, whether new or existing, not including that allowed within the Conservation Easement, shall not exceed a maximum ground floor coverage of sixty-one thousand (61,000) square feet which is 5% of the net acreage.
- d. Plaintiffs shall have eight (8) years from the date of the entry this Consent Judgment to erect any structures permitted herein by this Consent Judgment which are not principal permitted, conditional or accessory uses allowed in the Agricultural (A-2) District as contained in the Township's Zoning Ordinance in existence at the time this Consent Judgment is entered.
- e. In the event any structure now or hereafter existing on the Stables Parcel or the Conservation Parcel which is permitted by this Consent Judgment is for any reason destroyed such structure may be repaired, altered, or replaced at the same location and of no greater size.
- f. Attached to this Consent Judgment as Exhibit I is a Concept Plan showing basic features such as proposed building envelopes and access roads. This Concept Plan is subject to revision pursuant to the terms of this

Consent Judgment.

- g. Eight (8) years after the date this Consent Judgment is entered any new structures erected on the Stables Parcel shall comply with all use, dimensional and procedural requirements (including but not limited to references in Sections 4(a)(v), 4(a)ix), 4(b) of this Consent Judgment) of the Township's Zoning Ordinance in existence at that time of construction.
- h. Use of property for residential homes shall be in accordance with the Zoning Ordinance at time of the Consent Judgment.

**5. Sale to Schofield.**

- a. Contemporaneously with the entry of this Consent Judgment Plaintiffs are selling all of the Subject Property, less the Firehouse Parcel, to William J. Schofield Jr. ("Schofield") on land contract. The Township consents to the sale on the condition that the sale to Schofield shall be subject to all the restrictions and covenants that are contained in this Consent Judgment.
- b. If and when Schofield pays off the land contract, Plaintiffs shall, at no additional cost to the Township, convey and grant to the Township a Conservation Easement, in the form identified in Exhibit G, for the six (6) acre parcel of land identified more fully in Exhibit J.
- c. If, for any reason, the conveyance and grant of the Conservation Easement for this six (6) acre parcel does not occur within twenty-seven (27) months of the date of the entry of this Consent Judgment, plaintiff shall pay the Township the sum of forty thousand and 00/100 (\$40,000.00) dollars, this amount shall be payable at such time as Schofield's interest in

the Subject Property is terminated or at the end of the twenty-seven (27) month period, which ever occurs first.

- d. Until such time as the Schofield pays off the land contract and/or Plaintiffs pay to the Township the amount identified above in subparagraph b, the six (6) acre parcel shall used in a manner consistent with the terms of the Conservation Easement identified in Exhibit G.
- e. If a Conservation Easement is not conveyed to the Township within the time permitted, after Plaintiffs have paid to the Township the above stated consideration, the six (6) acre parcel may be used for all purposes consistent with the Township Zoning Ordinance in existence at the time this Consent Judgment is entered.
- f. Upon a Conservation Easement being granted to this six (6) acre parcel, the Township has the right to apply the Open Space Preservation (OSP) Overlay District to the parcel.

**6. Design Standards and Review Process.**

- a. The front elevation of any new structures on the Stables Parcel must have a "country" look, which shall be subject to administrative approval.
- b. Any further development shall require buffering from the Donohue property, Tax ID Number 10-28-400-008, which is adjacent to the Subject Property. The location and length of the screening shall be as depicted on the Concept Plan (Exhibit I). Except as otherwise provided in this Consent Judgment, screening and buffering shall comply with Section 14.10 of the Township Zoning Ordinance and shall incorporate a combination of

screening methods as outlined in Sections 14.10(D)(1), Greenbelt buffer; and 14.10(D)(5), Evergreen screen of the Township Zoning Ordinance and shall be shown on the Preliminary and Final Site Plan and be subject to approval as outlined by this Consent Judgment.

- c. Except as otherwise provided for in this Consent Judgment and within this subsection, all development projects for the Stables and Conservation parcels shall be subject to all reviews, approvals and fees as indicated within all Ordinances and resolutions of the Township. Plaintiffs shall submit preliminary and final site plans for review by the Township's consultants, staff, and by the Township Planning Commission at their regularly scheduled meetings. At plaintiffs' option, a combined preliminary and final site plan may be submitted in lieu of separate preliminary and final plans. The Township Planning Commission, consultants, and staff will provide comments and recommendations to the Township Board relating to the plans' compliance with the Township's Ordinances and standards. Upon receipt of the comments and recommendations of the Planning Commission's consultants and staff, the Township Board shall then approve the plans if they make the finding that the Ordinances, standards and the provisions of this Consent Judgment have been met. All plans shall receive approval of the Township Board prior to any construction or the issuance of any building permits.
- d. Except as otherwise provided herein, the time for such development shall be at the election of the Plaintiffs.

- e. All road and utility improvements shall be subject to review by the Township's engineering department and/or consultants applying Township ordinance standards in existence at the time this Consent Judgment is entered, unless eight (8) years have lapsed from the date the this Consent Judgment is entered, at which time it will be required to comply with the Township's Zoning Ordinance which is then in effect. All such improvements shall be subject to review and compliance with any applicable State, Federal or County codes and standards in existence at the time the improvement is requested. All required approvals and permits issued by the Township, consistent with this Consent Judgment, shall not be unreasonably delayed or withheld.
- f. Plaintiffs, their successors or assigns shall be responsible for the payment of all planning consultant, engineering consultant, attorney or any other fees related to the Township's review of all plans for the Stables Parcel and Conservation Parcel from and after entry of this Consent Judgment.

**7. Running with the Land.**

The rights granted and the restrictions imposed by this Consent Judgment for the Subject Property shall be, except as otherwise provided herein, perpetual and shall run with the land.

**8. Restrictions.**

- a. Plaintiffs shall adhere to the uses and restrictions set forth in this Consent Judgment. However, it is recognized that there may be modifications of the plans that are dependent on practical needs and difficulties,

topography and the like. Therefore, incidental modifications, including setbacks not inconsistent with the spirit of this Consent Judgment, shall be made and administratively approved without the necessity of amending this Consent Judgment so long as Plaintiffs and the Township consent in writing to such modifications. The Township will not unreasonably withhold or delay approval of those modifications; the parties recognizing that this is a living plan.

- b. This Consent Judgment is hereby deemed to include all exhibits attached hereto, said exhibits being incorporated herein and made a part hereof as fully and to the same extent as if the contents of the exhibits were set out in their entirety in the body of this Consent Judgment. All references to this Consent Judgment are deemed to be a reference to the body of this Consent Judgment and the exhibits. To the extent that this Consent Judgment or the attached exhibits conflict with Township ordinance requirements, the terms of this Consent Judgment and the attached Exhibits shall control.
- c. Plaintiffs shall adhere to all applicable county, state and federal regulations and statutes and shall comply with all applicable ordinances of the Township, except where specifically exempted by this Consent Judgment or otherwise provided or depicted within the Exhibits.
- d. Nothing herein shall be construed as restricting or limiting Plaintiffs' right to seek dimensional variances and exceptions relating to sign standards, in the manner prescribed in the Township's Zoning Ordinance.

- e. The size, location and design of the sign(s) shall be subject to the Township ordinances except that they shall be subject to the same review and approval process as the preliminary and final site plans.
- f. In the event that any easements are required for use of the Subject Property by Plaintiffs or the Township, then each party shall grant to the other the necessary easements and cross-easements for purposes of egress/ingress, providing utilities, including the extension of storm drainage easements, telephone, electric, gas, and such other utilities, including on-site waste water facilities serving one or more of the Properties, and the right to go upon such Properties for servicing such utilities to the other. However, in no event shall any septic fields be constructed or placed on any portion of the Conservation Parcel.

**9. Judgment and Enforcement.**

- a. This Court shall retain jurisdiction in all matters relating to this case, including: to resolve all disputes and make such other orders and determinations as are necessary to effectuate the intent and spirit of this Consent Judgment; to insure development is in accordance with the terms and intent of this Consent Judgment; to accomplish the issuance of all necessary approvals and building and other permits which may be reasonably required for the development, installation and construction of any roads, utilities, structures of any kind and all other improvements as set forth on the attached exhibits, as said exhibits may be amended from time to time, with the approval of the parties; and to implement all

amendments thereto and the Site Plans. In the event of a dispute the parties shall attempt to meet together with their consultants and advisors in an effort to resolve such matters. If such cannot be resolved within ten (10) days, the parties may pursue all remedies available.

- b. In the event any party makes a determination that another party is not acting reasonably, the alleged aggrieved party may petition the Court to resolve the dispute and the parties shall make themselves immediately available for a hearing on a date set by the Court. If the Court finds that any party has not acted in good faith or in conformance with the Consent Judgment, then the Court may order reasonable costs and attorney fees paid to the prevailing party.

**10. Miscellaneous.**

- a. As used in this Consent Judgment "Plaintiffs" refers to Hummana, LLC and NYR82, LLC and their successors and assigns.
- b. This Consent Judgment resolves the entire dispute between the parties, including all issues set forth in Plaintiffs' Complaint and all claims for damages, costs and attorney fees are dismissed with prejudice.
- c. Any amendments or modifications made to this Consent Judgment subsequent to the date hereof, including, without limitation, the exhibits attached hereto, shall be deemed a part of this Consent Judgment, shall be recorded with the Washtenaw County Register of Deeds and shall run with the land, be binding upon the parties and all successors. Any subsequent amendment hereto must be in writing, and either executed by

the parties hereto, or other respective heirs, representatives, successors, successors-in-interest and assigns.

- d. In the event there is a conflict between the terms and conditions of this Consent Judgment and the "Preamble" to this Judgment, or in the Township ordinances, the terms and conditions of this Consent Judgment shall control.
- e. Any clerical errors or mistakes in documents or exhibit descriptions contained in this Consent Judgment may be corrected by any of the parties and all parties agree to cooperate in making such corrections in order to effectuate the intent of the parties in entering into this Judgment.
- f. This Consent Judgment may be executed by the parties in counterparts; pages containing original signatures shall be attached to the original Consent Judgment filed with the Court; photocopies of pages bearing signatures of parties hereto shall be deemed duplicate originals.

\_\_\_\_\_  
CIRCUIT COURT JUDGE

Date signed: \_\_\_\_\_, 2010

**[Signatures to Follow]**

THE UNDERSIGNED PARTIES HAVE HEREBY READ, UNDERSTAND, AGREE AND CONSENT TO THE FOREGOING JUDGMENT AND ALL TERMS AND CONDITIONS STATED THEREIN. ALL SUCH PARTIES HEREBY REPRESENT THAT THEY HAVE OBTAINED ADVICE OF COUNSEL AND ARE CONSENTING TO THIS JUDGMENT FREELY AND VOLUNTARILY.

WITNESSES:

**CHARTER TOWNSHIP OF SUPERIOR**  
a Michigan municipal corporation

\_\_\_\_\_

By: William McFarlane  
Its: Supervisor

\_\_\_\_\_

WITNESSES:

\_\_\_\_\_

By: David Phillips  
Its: Clerk

\_\_\_\_\_

STATE OF MICHIGAN        )  
COUNTY OF WASHTENAW )

On January \_\_\_\_\_, 2010, before me, a Notary Public, in and for said County, personally appeared before me William McFarlane, the supervisor of Superior Charter Township and David Phillips, the Clerk of Superior Charter Township, known to be the persons described in and who executed the above Judgment, and acknowledged the same on behalf of the Township.

\_\_\_\_\_  
Notary Public  
Washtenaw County, Michigan  
My Commission Expires:

WITNESSES:

**HUMMANA, LLC,**  
a Michigan Limited Liability Company

\_\_\_\_\_  
  
\_\_\_\_\_

\_\_\_\_\_  
By: Steven Friedman  
Its: Authorized Member

WITNESSES:

**NYR82, LLC,**  
a Michigan limited liability company

\_\_\_\_\_  
  
\_\_\_\_\_

\_\_\_\_\_  
By: Steven Friedman  
Its: Authorized Member

STATE OF MICHIGAN )  
COUNTY OF OAKLAND)

On January \_\_\_\_\_, 2010, before me, a Notary Public, in and for said County, personally appeared before me Steven Friedman, known to be the Authorized Member of Hummana, LLC and of NYR82, LLC who executed the above Consent Judgment, and acknowledged the same to be his free act and deed by authority given by the resolution of Hummana, LLC, and of NYR82, LLC, Michigan limited liability companies.

\_\_\_\_\_  
Notary Public  
Oakland County, Michigan  
My Commission Expires:

WITNESSES:

\_\_\_\_\_  
  
\_\_\_\_\_

\_\_\_\_\_  
William Schofield

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

On January \_\_\_\_\_, 2010, before me, a Notary Public, in and for said County, personally appeared before me William Schofield known to be person who executed the above Consent Judgment, and acknowledged the same to be his free act and deed.

\_\_\_\_\_  
Notary Public  
Washtenaw County, Michigan  
My Commission Expires:

WE, THE UNDERSIGNED COUNSEL FOR THE PLAINTIFF AND DEFENDANTS, RESPECTIVELY, HEREBY STIPULATE TO THE ENTRY OF THE ABOVE JUDGMENT, NOTICE OF ENTRY WAIVED.

---

Robert A. Jacobs (P15402)  
Attorney for Plaintiffs

---

Frederick Lucas (P29074)  
Attorney for Defendant

#### ATTACHMENTS

EXHIBIT A:	Legal description of Subject Property
EXHIBIT B:	Map of Subject Property
EXHIBIT C:	A-2 Ordinance
EXHIBIT D:	Use Standards
EXHIBIT E:	Description of the Firehouse Parcel
EXHIBIT F:	Description of the Conservation Parcel
EXHIBIT G:	Conservation Easement
EXHIBIT H:	Description of Stables Parcel
EXHIBIT I:	Concept Plan
EXHIBIT J:	Description of 6 Acre Parcel

# EXHIBIT A

## Legal description of Subject Property

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 28, T.2S., R.7E., SUPERIOR TOWNSHIP, WASHTENAW COUNTY, MICHIGAN; THENCE S87°03'20"W 412.70 FEET ALONG THE SOUTH LINE OF SAID SECTION 28 AND THE CENTERLINE OF GEDDES ROAD (66 FEET WIDE); THENCE N02°56'20"W 222.00 FEET; THENCE S87°03'20"W 210.00 FEET; THENCE N02°56'20"W 204.70 FEET; THENCE S87°03'20"W 211.00 FEET; THENCE N02°56'20"W 160.33 FEET; THENCE S87°03'20"W 412.16 FEET; THENCE S02°56'40"E 332.99 FEET; THENCE N87°03'20"E 412.12 FEET; THENCE S02°56'20"E 254.05 FEET; THENCE S87°03'20"W 883.05 FEET ALONG THE SOUTH LINE OF SAID SECTION 28 AND THE CENTERLINE OF SAID GEDDES ROAD; THENCE N02°10'00"W 2160.44 FEET; THENCE N87°18'30"E 726.88 FEET; THENCE S63°50'17"E 103.61 FEET; THENCE N87°18'30"E 790.55 FEET; THENCE S02°10'00"E 175.00 FEET; THENCE N87°18'30"E 108.00 FEET; THENCE S02°10'00"E 1927.88 FEET ALONG THE EAST LINE OF SAID SECTION 28 AND THE CENTERLINE OF PROSPECT ROAD (66 FEET WIDE) TO THE POINT OF BEGINNING, BEING PART OF THE SOUTHEAST 1/4 OF SAID SECTION 28, CONTAINING 77.18 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE EAST 33 FEET AND THE SOUTH 33 FEET THEREOF, AS OCCUPIED BY SAID PROSPECT ROAD AND SAID GEDDES ROAD, AND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.



# EXHIBIT C

## A-2 Ordinance

### Section 2.104 Agricultural (A-2) District

The public health and welfare of Superior Charter Township, Washtenaw County, the State of Michigan, and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. The Agricultural (A-2) District is hereby established as a Rural District to preserve lands that are agriculturally productive, and to allow use for specialized applications on land which, because of factors such as soil suitability, location, parcel size, and existing land uses, are not as suitable for production of staple crops as the lands included in the A-1 District. This district may serve as a buffer between A-1 lands and non-agricultural lands, thus serving to protect the integrity of the A-1 lands and to protect agricultural enterprises from encroachment by suburban and urban uses and developments. In addition, the A-2 District is intended to:

1. Preserve woodlands and wetlands associated with farms which because of their natural physical features, are useful as water retention, surface water purification and groundwater recharge areas, and as habitat for plant and animal life; and which have important aesthetic and scenic value that contributes to the unique character of the agricultural district;
2. Preserve existing drainage patterns and minimize erosion and flooding;
3. Provide the basis for land tax assessments that reflect its existing agricultural nature and, owing to these regulations, its limited use for other purposes;
4. Prevent the conversion of agricultural land to non-farm development which, when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture;
5. Protect farmland from speculative increases in land prices;
6. Prevent loss of farmland;
7. Prevent conflicts between agricultural activities and residences;
8. Prevent encroachment of urban and suburban services into agricultural areas;
9. Encourage long-term investment in improvements needed to maintain and expand agricultural production by creating a stable environment for such production;

10. Reduce the amount of land consumed in rural areas for nonagricultural use;
11. Prevent intrusion of uses into farm areas which are incompatible with general farming activities; and
12. Permit services and uses which are necessary to support farming activities. The A-2 District provides for land uses that are of permanent importance. Extension of public water and sanitary sewer service into this district shall be prohibited unless such service is necessary to address public.

Uses	Districts													Use Standards				
	Rural			Residential				Business			Other				Special			
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	C-1	C-2	O-1	PSP	PC	NSC	VC	MS	PM	OSP	
<b>RURAL USES</b>																		
Agricultural Service Establishments		C																Section 5.101
Bulk Feed and Farm Supply Stores								P	P									Section 5.101
Conservation Area or Open Space, Game Refuges, Forest/Wetland Preserves, Trails, and Greenways																		
Farms for Production of Food, Feed or Fiber	P	P	P															P
Farm-Based Tourism/Entertainment Activities	C	C	C															P
Farm Implement Sales or Repair		C								P								C
Farm Products Direct Marketing Business (incl. U-Pick)	A	A	A															A
Greenhouse, Nursery or Tree Farm	A	P	P															A
Keeping of Animals, Non-Farm	P	P	P	A	A													P
Kennel	C	C	C							C								C
Private Riding Arena or Boarding Stable	A	P	P								P							A
Public or Commercial Riding Stable	C	C	C								C							C
Roadside Stand	A	A	A															A
Sod Farm	P	P	P															C
Veterinary Clinic or Animal Hospital										C								Section 5.110
<b>RESIDENTIAL USES</b>																		
Accessory Dwelling										C								Section 5.201
Adult Foster Care Family Home or Small Group Home	P	P	P	P	P													Section 5.304
Adult Foster Care Large Group Home				C	C													Section 5.304
Bed and Breakfast Inn		C	C	C	C													P
Child Day Care Home, Family	P	P	P	P	P													
Child Day Care Home, Group	C	C	C	C	C													Section 5.304

Uses	Districts													Use Standards				
	Rural			Residential				Business			Other				Special			
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	C-1	C-2	O-1	PSP	PC	NSC		VC	M5	PM	OS
<b>RESIDENTIAL USES (continued)</b>																		
Child Foster Family Home or Family Group Home	P	P	P	P	P													
Dormitory Living Units																		C
Elderly and Senior Housing - Independent																		
Elderly Housing - Assisted Living Facilities																		P
Elderly Housing - Dependent, Nursing or Rehabilitative Care																		P
Farm Labor Housing																		
Home Occupations as permitted in Section 5.204	A	A	A	A	A	A	A	A	A								A	
Home Occupations not listed in Section 5.204	C	C	C	C	C	C	C	C	C								C	
Manufactured Housing Parks																		
Multiple-Family Housing, Townhouse or Stacked Flat																		C
Single Family Dwellings, Detached	P	P	P	P	P	P	P	P	P									P
Two-Family or Duplex Dwellings																		
State-licensed and Other Managed Residential Facilities not otherwise listed in this table																		C
<b>OFFICE, SERVICE, AND COMMUNITY USES</b>																		
Banks, Credit Unions, and Similar Financial Services																		C A
Barber Shop, Beauty Salon or Nail Care																		A
Campgrounds and Recreational Vehicle Parks	C																	C
Cemetery																		P
Copy Center																		P A
Day Care Center - Child or Adult																		P A

Effective Date: August 14, 2008

Article 4  
Land Use Table

Uses	Districts													Use Standards				
	Rural			Residential				Business			Other				Special			
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	C-1	C-2	Q-1	PSP	PC	NSC		VC	M6	PM	OS
<b>OFFICE, SERVICE, AND COMMUNITY USES (continued)</b>																		
Funeral Parlor or Mortuary								P	P	P								
Government Offices								P	P	P	P					P	P	
Health Club or Fitness Center								A	A	A					A	A		
Hospital or Urgent Care Center										P					P			
Institutional Uses								C	C	P	P			A				
Landscaping and Maintenance Operations		C	C															
Medical, Osteopathic, Chiropractic, Optical or Dental Office, Clinic or Laboratory; Massage Therapist or Physical Therapy Facility exceeding 4,000 square-feet in floor area per building								C	P	P				P	P	P	A	
Medical, Osteopathic, Chiropractic, Optical or Dental Office, Clinic or Laboratory; Massage Therapist or Physical Therapy Facility up to 4,000 square-feet in floor area per building								P	P	P				P	P	P	A	
Medical, Optical or Radiology Laboratories									P	P					P	P		
Offices for Business, Professional, Executive, Service or Administrative Uses exceeding to 4,000 square-feet in floor area per building								C	P	P				P	P	P	P	
Offices for Business, Professional, Executive, Service or Administrative Uses up to 4,000 square-feet in floor area per building								P	P	P				P	P	P	P	
Offices of a Plumber, Electrician, and Similar Skilled Trades Contractor									P	C								
Pharmacies, Drugstores, and Medical Supply Stores								P	P	C				P	P	A		

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Uses	Districts														Use Standards			
	Rural			Residential				Business			Other		Special					
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	C-1	C-2	O-1	PSP	PC	NSC	VC		M5	PM	OSP
<b>COMMERCIAL USES (continued)</b>																		
Dealership Showroom for Sales or Rentals of Motor Vehicles, Construction or Farming Machinery, or Similar Durable Goods								P										
Drive-In or Drive-Through Facilities for Financial Institutions and government offices								C	C	C	A						C	
Drive-In or Drive-Through Facilities for Restaurants and Food Service Establishments								C										
Drive-In or Drive-Through Facilities for Pharmacies, Drugstores, and Other Retail Sales								C	C									
Flower and Plant Shops								P	P							P	P	A
Furniture, Appliance, and Department Stores								C	P							P	P	A
Gift Shops								P	P							P	P	A
Grocery Stores, Meat and Fish Market, Delicatessen, Ice Cream and Dairy Market, and Health Food Store								P	P							P	P	
Hardware, Garden Supply, and Home Improvement Store								C	P							P		
Hotel or Inn									P								C	
Laundromat or Dry Cleaners								P	P							P		
Manufactured Housing Sales						C		P	P									
Motion Picture Cinema, Indoor									P									
Motion Picture Cinema, Outdoor																		
Motor Vehicle Fueling Station									C							C		
Motor Vehicle Repair Station									C									
Motor Vehicle Service Center								P										

Uses	Districts													Use Standards				
	Rural			Residential				Business			Other	Special						
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	C-1	C-2	O-1	PSP	PC	NSC		VC	M6	PM	OS
<b>COMMERCIAL USES (continued)</b>																		
Open Air Business, Outdoor Display Area, Dealership								C										Section 5.410
Outdoor Sales Lot, or Garden Center								C	C									Section 5.409
Outdoor Café or Eating Area								C	C				C	C				Section 5.412
Outdoor Sales, Temporary								C	C				C	C				Section 5.401
Restaurants and Food Service Establishments, Not Including Sales of Alcoholic Beverages								P	P				P	P	A	A		Section 5.406
Restaurants and Food Service Establishments Selling Alcoholic Beverages								C	C				C	C				
Retail Sales								P	P				P		A	A		
Showroom for Display or Sales of Products Created by the Business or Operation									A									Section 5.411
Tavern, Pub, Brewpub, Cocktail Lounge, Nightclub, or Similar Establishment									C									
<b>INDUSTRIAL, RESEARCH, AND LABORATORY USES</b>																		
Blacksmithing, Furniture or Cabinet Repair or Manufacture, Woodworking Shops, and Similar Uses																	P	
Contractor's Establishments and Equipment Yards																	P	Section 5.503
Crematorium																	C	Section 5.501
Distribution Facilities and Truck Terminals																	C	Section 5.503
Dry Cleaning - Central Cleaning/Processing Plant																	C	Section 5.501
Material Recovery Facilities																	C	Section 5.502
Manufacturing, Processing, or Treatment of Food Products, Pharmaceuticals, Cosmetics, and Similar Items																	P	

Uses	Districts											Use Standards						
	Rural			Residential				Business			Other		Special					
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	C-1	C-2	O-1	PSP		PC	NSC	VC	MS	PM	OSP
<b>INDUSTRIAL, RESEARCH, AND LABORATORY USES (continued)</b>																		
Manufacturing, Processing, or Assembling of Appliances, Wiring Devices, Electronic Components and Equipment, Fabricated Metal Products, Transportation Equipment, and Similar Items																		P
Manufacturing, Processing, or Assembling of Automated Production Equipment; Measuring, Analyzing, and Controlling Instruments; Computing Equipment; Optical Equipment; Time-keeping Devices; and Similar Items																		P
Manufacture, Processing, Production or Wholesale Storage of Chemicals, Petroleum or Paper Products, Cement, Lime, Gypsum, Glue, Soap, Soda, Compound, Salt, Potash or Similar Materials																		C
Outdoor Storage, General																		P
Outdoor Storage, Dismantling or Recycling of Motor or Recreational Vehicles, Boats, Construction or Farming Machinery, Manufactured Houses or Similar Items																		C
Outdoor Storage of Recreational Vehicles										C								C
Packaging Operations																		P
Pilot Plant Operations, and Prototype or Pilot Processing, Manufacturing or Assembly																		P
Printing, Publishing, Bookbinding, and Allied Industries																		P
Production of Genetic Materials																		P

Effective Date: August 14, 2008

Article 4  
Land Use Table

Uses	Districts														Use Standards					
	Rural			Residential				Business			Other		Special							
	R-C	A-1	A-2	R-1, R-2	R-3, R-4	R-6	R-7	C-1	C-2	C-1	PSP	PC	NSC	VC		M6	PM	Q		
<b>INDUSTRIAL, RESEARCH, AND LABORATORY USES (continued)</b>																				
Research and Development Facilities, Technical Centers, and Laboratories																P	P			
Self-Storage Warehouses																	P	P	Section 5.504	
Slaughterhouse, Rendering Plant or Similar Facility																	C	C	Section 5.501	
Warehouses and Non-Farm Bulk Indoor Storage																		A		
<b>OTHER USES</b>																				
Accessory Structures and Uses	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Composting Centers																		C		Section 5.601
Concrete and Asphalt Mixing Plants																		C		Section 5.501
Controlled Uses																				Section 5.602
Extractive and Earth Removal Operations		C	C																	Section 5.603
Off-Street Parking Lots	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article 8.0
Public Works or Road Maintenance Yards																				Section 5.503
Stormwater Management Impoundments, Drainageways, and Related Improvements	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Temporary Structures for Construction Purposes																				
Utility Transmission and Distribution Lines and Pipelines in Existing Easements or Rights-of-Way	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.604
Utility Transmission and Distribution Lines and Pipelines not in Existing Easements or Rights-of-Way	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Section 5.604

[amended 4/20/2009, Ord. 174-02]

Superior Charter Township Zoning Ordinance

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# EXHIBIT D

## Use Standards

### SECTION 5.100 RURAL USES

#### **Section 5.101 Agricultural Services and Farm Supply Stores.**

Agricultural service establishments, bulk feed and fertilizer supply outlets, farm supply stores, and similar uses shall be subject to the following:

1. Any retail store component of such uses shall conform with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.
2. Farm products offered for sale shall include those grown or produced on land in Michigan, or made from products grown or produced on land in Michigan.
3. Any outdoor sales or display areas shall be conform to the standards of Section 5.410 (Outdoor Sales or Display Areas).
4. Outdoor storage areas shall be adequately contained, and shall be screened from adjacent lots and road rights-of-way per Section 14.10D (Methods of Screening).
5. Storage, distribution, and processing of farm products as part of a permitted agricultural service establishment shall comply with the following:
  - a. Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or operation.
  - b. Such uses shall be maintained so that odor, dust, or noise shall not constitute a nuisance or hazard to adjoining lots and uses.
  - c. The storage of loose materials shall be contained and covered to prevent it from blowing onto adjacent properties and from access by small animals.
6. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 10.0 (Site Plan Review).

#### **Section 5.102 Farm-Based Tourism/Entertainment Activities.**

Farms providing tourism or entertainment-oriented facilities or activities for promotion

of agriculture, rural lifestyle or farm product sales shall be subject to the following:

1. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 10.0 (Site Plan Review). Such plan shall show the intended use and location of all structures, growing areas, parking facilities, roads and drives to be utilized by the public, pedestrian circulation, location of necessary sanitary facilities and service areas, and transition plantings or screening devices.
2. Screening shall be provided per Section 14.10D (Methods of Screening) where off-site abutting residential properties are occupied with dwelling structures within 200 feet of any area on the site occupied with sales or entertainment facilities. Crop growing areas of a depth of not less than 300 feet may be permitted to satisfy this requirement.
3. All facilities and improvements for permitted farm-based tourism or entertainment activities shall be located outside of all road rights-of-way and required yard setback areas.
4. Noise levels shall not exceed 65 decibels at any lot boundary or road right-of-way.
5. All exterior lighting for permitted farm-based tourism or entertainment activities shall be fully-shielded and directed downward to minimize off-site glare and light pollution. Such lighting shall not exceed 0.5 footcandles in intensity as measured at any lot boundary or road right-of-way.
6. The hours of operation of any outdoor entertainment facilities shall be subject to Planning Commission approval.
7. Farm-based tourism or entertainment activities shall conform to the applicable requirements of the Township's Outdoor Assemblies Ordinance (Ord. No. 23).

### **Section 5.103 Farm Products Direct Marketing Business.**

Where farm products direct marketing businesses are listed in Article 4.0 (Land Use Table) as a permitted accessory use, such uses shall be accessory to an active farm operation. Such businesses shall include "U-Pick" commercial agriculture operations, direct sales to area restaurants, residents, and retail stores, Internet-based sales of farm products, and similar businesses.

### **Section 5.104 Greenhouse, Nursery, or Tree Farm.**

The following shall apply to greenhouses, nurseries, and tree farms:

1. Storage, sales, and display areas shall comply with the minimum setback requirements for the zoning district in which the establishment is located.
2. Plant growing areas shall be located outside of all road rights-of-way and corner

clearance areas as defined in Section 3.208 (Corner Clearance Zones).

3. The storage of loose materials shall be contained and covered to prevent it from blowing onto adjacent properties and from access by small animals.
4. Where greenhouses, nurseries, and tree farms are listed in Article 4.0 (Land Use Table) as a permitted accessory use, such uses shall be accessory to an active farm operation.
5. Retail sales of greenhouse and nursery products shall be permitted as an accessory use, subject to site plan approval per Article 10.0 (Site Plan Review) and compliance with all parking, loading, screening, and other site development standards that apply to COMMERCIAL USES.

### **Section 5.105 Keeping of Animals, Non-Farm.**

The standards of this Section shall not apply to keeping of animals as part of an active farm operation maintained in conformance with the Right to Farm Act (P.A. 93 of 1981, as amended) and Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture. Non-farm raising and keeping of domesticated animals and livestock shall be subject to the following:

1. Non-farm raising and keeping of such animals shall be clearly incidental to a single-family dwelling and not for income generation or remuneration.
2. The raising and keeping of fowl, rabbits, and similar small domesticated animals shall require a minimum lot area of one (1) acre. Structures or fenced areas for keeping of small domesticated animals shall be located not less than five (5) feet from adjacent lots and road rights-of-way.
3. The raising and keeping of horses, cows, sheep, goats, llamas and similar domesticated livestock shall require a minimum lot area of four (4) acres, and shall be subject to the following:
  - a. Lots between four (4) and five (5) acres in gross land area shall be limited to a maximum of three (3) such animals. Raising and keeping of such animals on lots five (5) acres and larger shall conform to Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.
  - b. Structures for keeping such animals shall be located not less than 75 feet from adjacent properties.
4. All animals shall be properly housed and fenced so as not to be a public nuisance.
5. All animal wastes shall be properly disposed of so as not to jeopardize the public health, safety, or welfare, or create a detrimental effect on the environment or on

neighboring properties.

6. Stables, barns, pens, and pastures shall be kept clean, and wastes shall be treated and handled in such a manner as to control flies and odor.

### **Section 5.106 Kennel.**

The standards of this Section shall not apply to the keeping, or raising of fewer than four (4) animals of the same species that are more than six (6) months old (such as dogs, cats, outdoor fowl, or other domestic animals) for pets, breeding, showing, boarding, training, competition, or hunting purposes. Kennels shall be licensed as required by Washtenaw County or any other governmental agency with jurisdiction, and shall be subject to the following additional standards:

1. Kennels shall have a minimum lot area of ten (10) acres.
2. Structures or pens where animals are kept, outdoor runs, and exercise areas shall not be located in any required yard setback areas.
  - a. Such facilities shall be set back a minimum of 300 feet from road right-of-way, 100 feet from side and rear lot boundaries, and 50 feet from any watercourse.
  - b. Structures where animals are kept, outdoor runs and exercise areas shall be screened in accordance with Section 14.10D (Methods of Screening).
3. The facility shall be so constructed and maintained that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
4. The kennel shall be established and maintained in accordance with applicable sanitation regulations.
5. Animals shall be adequately housed, fenced, and maintained so as not to be or become a public or private nuisance.
6. All animals shall be enclosed within a building at night.
7. All outdoor animal pens shall be enclosed with a six (6) foot high safety fence. Animal pen surfaces shall be of concrete pitched to contain and drain run-off from cleaning to a septic tank or other County approved system.
8. Preliminary and final site plans shall be required in accordance with Article 10.0 (Site Plan Review). The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.

### **Section 5.107 Private Riding Arenas and Boarding Stables.**

All stables and facilities for the private rearing, schooling and housing of horses, mules, ponies and similar equine riding animals shall be subject to the following:

1. A dwelling in a principal building for the property owner or operator of the private stable shall be located on the same or an adjoining lot.
2. Stables and facilities for the private rearing, schooling and housing of horses, mules, ponies and similar equine riding animals shall require a minimum lot area of four (4) acres, and shall be subject to the following:
  - a. Lots between four (4) and five (5) acres in gross land area shall be limited to a maximum of three (3) such animals. Private rearing, schooling and housing of such animals on lots five (5) acres and larger shall conform to Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.
  - b. All stable and arena buildings, corrals, and similar structures shall be located not less than 75 feet from adjacent properties.
3. Stable and arena buildings, corrals, and similar structures shall not be located within any required front yard setback, and shall be located no closer to any road rights-of-way than rear building line of any dwelling on the subject lot.
4. A fenced area for pasturing, exercising or riding such animals may extend to the front, rear or side lot boundaries. All such animals shall be kept confined within a fenced area when not being ridden, under harness, or when not in their stable and arena building, corral or similar structure.
5. The facility shall be so constructed and maintained that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
6. There shall be no commercial activity, other than incidental sales not unusual for permitted RURAL USES or RESIDENTIAL USES.
7. Establishment or enlargement of such a facility shall be subject to approval of a certificate of zoning compliance per Section 1.07 (Certificates of Zoning Compliance). Approval of a building permit may be required if the facility is open to the public.

### **Section 5.108 Public or Commercial Riding Stables.**

Public or commercial riding stables and academies for the rearing, schooling and housing of horses, mules, ponies and similar equine riding animals available or intended for use by the public or for hire on a per diem, hourly, or weekly basis shall be subject to the following:

1. An accessory dwelling in a principal building for the property owner or operator of the facility shall be permitted per Section 5.201 (Accessory Dwelling).
2. The lot area shall not be less than 20 contiguous acres under single ownership.
3. Such public or commercial riding stables and academies shall conform to Generally Accepted Agricultural Management Practices (GAAMPS) established by the Michigan Department of Agriculture.
4. Stable and arena buildings, corrals, and similar structures for public or commercial riding stables and academies shall be located not less than 75 feet from adjacent properties.
5. Stable and arena buildings, corrals, and similar structures for public or commercial riding stables and academies shall not be located within any required front yard setback, and shall be located no closer to any road rights-of-way than rear building line of any dwelling on the subject lot.
6. Fenced areas for pasturing, exercising or riding such animals may extend to the front, rear or side lot lines. All such animals shall be kept confined within a fenced area when not being ridden, under harness, or when not in their stable and arena building, corral or similar structure.
7. The facility shall be so constructed and maintained that odors, dust, noise, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
8. Parking for patrons and employees shall be provided in compliance with Article 8.0 (Off-Street Parking and Loading Regulations). Such areas shall be screened per Section 14.10D (Methods of Screening).
9. Such uses shall be subject to site plan approval per Article 10.0 (Site Plan Review).

#### **Section 5.109 Roadside Stands.**

Roadside stands up to 400 square feet in gross floor area shall be permitted accessory to any RURAL USES, subject to the following:

1. Suitable trash containers shall be placed on the premises for public use.
2. The roadside stand structure(s) shall be set back outside of all road right-of-way. Such stands shall be removed from the roadside location during seasons when not in use.
3. Any roadside stand shall have at least five (5) off-street parking spaces, which need not be paved with asphalt or concrete. Parking spaces shall be located outside of road rights-of-way.

4. All signs used in connection with the use shall be temporary, and shall comply with the requirements of Article 9.0 (Signs). Such signs shall be removed when the stand is not in use.
5. Any roadside stand exceeding the limitations of this Section shall be subject to Conditional Use Permit approval as a farm-based tourism or entertainment facility per Section 5.102 (Farm-Based Tourism/Entertainment Activities).

**Section 5.110 Veterinary Clinics and Hospitals.**

Veterinary clinics and hospitals shall comply with the following:

1. All activities shall be conducted within a completely enclosed building, except that an outdoor exercise area shall be permitted, subject to the following:
  - a. Such areas shall be enclosed by a six (6) foot high safety fence.
  - b. Such exercise areas shall not be located in any required yard setback areas, and shall be set back a minimum of 50 feet from road rightsof- way, side and rear lot boundaries, and any watercourse.
  - c. Such areas shall be screened in accordance with Section 14.10D (Methods of Screening).
2. The facility shall be so constructed and maintained that odors, dust, noise, exterior lighting, and drainage shall not constitute a nuisance or hazard to adjoining lots and uses.
3. Keeping of animals for overnight care shall be limited to the interior of the principal building. Treatment of non-domesticated animals shall be permitted.
4. Operation shall include proper control of animal waste, odor, and noise.
5. A site plan, drawn to scale, showing all intended site uses, shall be submitted for review and approval per Article 10.0 (Site Plan Review).

## EXHIBIT E

### Description of the Firehouse Parcel

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 28, T.2S., R.7E., SUPERIOR TOWNSHIP, WASHTENAW COUNTY, MICHIGAN; THENCE S87°03'20"W 412.70 FEET ALONG THE SOUTH LINE OF SAID SECTION 28 AND THE CENTERLINE OF GEDDES ROAD (66 FEET WIDE); THENCE N02°56'20"W 222.00 FEET; THENCE S87°03'20"W 210.00 FEET; THENCE N02°56'20"W 204.70 FEET; THENCE S87°03'20"W 211.00 FEET; THENCE N02°56'20"W 160.33 FEET; THENCE N87°03'20"E 841.58 FEET; THENCE S02°10'00"E 587.11 FEET ALONG THE EAST LINE OF SAID SECTION 28 AND THE CENTERLINE OF PROSPECT ROAD (66 FEET WIDE) TO THE POINT OF BEGINNING, BEING PART OF THE SOUTHEAST 1/4 OF SAID SECTION 28, CONTAINING 8.15 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE EAST 33 FEET AND THE SOUTH 33 FEET THEREOF, AS OCCUPIED BY SAID PROSPECT ROAD AND SAID GEDDES ROAD, AND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

## EXHIBIT F

### Description of the Conservation Parcel

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 28, T.2S., R.7E., SUPERIOR TOWNSHIP, WASHTENAW COUNTY, MICHIGAN; THENCE S87°03'20"W 1716.76 FEET ALONG THE SOUTH LINE OF SAID SECTION 28 AND THE CENTERLINE OF GEDDES ROAD (66' WIDE); THENCE N02°10'00"W 334.27 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N02°10'00"W 1047.19 FEET; THENCE N87°03'20"E 1716.72 FEET; THENCE S02°10'00"E 794.37 FEET ALONG THE EAST LINE OF SAID SECTION 28 AND THE CENTERLINE OF PROSPECT ROAD (66 FEET WIDE); THENCE S87°03'20"W 1253.74 FEET; THENCE S02°56'40"E 252.80 FEET; THENCE S87°03'20"W 466.42 FEET TO THE POINT OF BEGINNING, BEING PART OF THE SOUTHEAST 1/4 OF SAID SECTION 28, CONTAINING 34.00 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE EAST 33 FEET THEREOF, AS OCCUPIED BY SAID PROSPECT ROAD, AND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

**EXHIBIT G**  
**Conservation Easement**  
**Conservation Easement**

**DATE:** January \_\_, 2010

**GRANTOR:** HUMMANA, LLC and NYR82, LLC,  
Michigan limited liability companies  
28800 Orchard Lake Road, Suite 200  
Farmington Hills, MI 48334

**GRANTEE:** CHARTER TOWNSHIP OF SUPERIOR  
A Michigan municipal corporation  
3040 N. Prospect  
Ypsilanti, Michigan 48198

For purposes of this Conservation Easement, the Grantor, who is the current owner of the Subject Property, and all subsequent owners of the Subject Property, will be referred to as the "Grantor" throughout this Conservation Easement. The Township will be referred to as the "Township" throughout this Conservation Easement.

**PROPERTY:** COMMENCING AT THE SOUTHEAST CORNER OF SECTION 28, T.2S., R.7E., SUPERIOR TOWNSHIP, WASHTENAW COUNTY, MICHIGAN; THENCE S87°03'20"W 1716.76 FEET ALONG THE SOUTH LINE OF SAID SECTION 28 AND THE CENTERLINE OF GEDDES ROAD (66' WIDE); THENCE N02°10'00"W 334.27 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N02°10'00"W 1047.19 FEET; THENCE N87°03'20"E 1716.72 FEET; THENCE S02°10'00"E 794.37 FEET ALONG THE EAST LINE OF SAID SECTION 28 AND THE CENTERLINE OF PROSPECT ROAD (66 FEET WIDE); THENCE S87°03'20"W 1253.74 FEET; THENCE S02°56'40"E 252.80 FEET; THENCE S87°03'20"W 466.42 FEET TO THE POINT OF BEGINNING, BEING PART OF THE SOUTHEAST 1/4 OF SAID SECTION 28, CONTAINING 34.00 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE EAST 33 FEET THEREOF, AS OCCUPIED BY SAID PROSPECT ROAD, AND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

**CONVEYANCE:** The Grantor conveys and warrants to the Township a perpetual Conservation Easement over the Property. The scope of this Conservation Easement is set forth in this agreement.

**THE GRANTOR AND THE TOWNSHIP AGREE TO THE FOLLOWING:**

**1. PURPOSES OF THIS CONSERVATION EASEMENT AND COMMITMENTS OF THE GRANTOR AND THE TOWNSHIP.**

- a. This Conservation Easement assures that the Property will be perpetually preserved in its predominately natural, agricultural, and open space condition. The Purposes of this Conservation Easement are to protect the Property's natural resource and watershed values; to maintain and enhance biodiversity; to retain quality habitat for native plants and animals, and to maintain and enhance the natural features of the Property.
- b. The Grantor of the Property has committed to preserve the Conservation Values of the Property. The Grantor agrees to confine use of the Property to activities consistent with the Purposes of this Easement and the preservation of the conservation values in accordance with and subject to the terms of a certain Consent Judgment as set forth herein.
- c. The Township is a qualified Recipient of this Conservation Easement, is committed to preserving the Conservation Values of the Property, and is committed to upholding the terms of this Conservation Easement. The Township protects natural habitats of fish, wildlife, plants, and the ecosystems that support them. The Township also preserves open spaces, including farms and forests, where such preservation is for the scenic enjoyment of the general public or pursuant to clearly delineated governmental conservation policies and where it will yield a significant public benefit.

**2. CONSERVATION VALUES.** The Property possesses natural, scenic, historic, open space, scientific, biological, and ecological values of prominent importance to the Grantor, the Township, and the public. These values are referred to as the "Conservation Values" in this Easement. The Conservation Values include the following:

- a. **Open Space and Scenic:**
  - i. A scenic landscape and natural character which would be impaired by modification of the Property.
  - ii. Relief from urban closeness.
  - iii. Maintain the rural character of the area.
  - iv. Biological integrity of other land in the vicinity has been modified by intense urbanization, and the trend is expected to continue.

b. **Public Policy:**

- i. The State of Michigan has recognized the importance of protecting our natural resources as delineated in the 1963 Michigan Constitution, Article IV, Section 52, "The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety, and general welfare of the people. The legislature shall provide for the protection of the air, water, and other natural resources of the state from pollution, impairment, and destruction."
- ii. The Property is preserved pursuant to a clearly delineated federal, state, or local conservation policy and yields a significant public benefit. The following legislation, regulations, and policy statements establish relevant public policy:
  - (1) Conservation and Historic Preservation Easement, Sub part 11 of Part 21 of the Michigan Natural Resources and Environmental Protection Act - MCL §§ 324.2140 et seq.;
  - (2) Biological Diversity Conservation, Part 355 of the Michigan Natural Resources and Environmental Protection Act - MCL §§ 324.35501 et seq; (Legislative Findings § 324.35502);
  - (3) Wetland Protection, Part 303 of the Michigan Natural Resources and Environmental Act - MCL §§ 324.30301 et seq.; (Legislative Findings MCL § 324.30302);
  - (4) Water Pollution Control Act of 1972, 33 USC §§ 1251 - 1387 (§1251 Goals & Policy; § 1344 Wetlands permitting, aka "Section 404" Clean Water Act.);
  - (5) Coastal Zone Management Act, 16 USC §§ 1451 et seq.; (§§ 1451, 1452 Congressional Findings and Policy.);
  - (6) Shorelands Protection and Management, Part 323 of the Michigan Natural Resources and Environmental Protection Act - MCL §§ 324.32301 et seq.;
  - (7) Inland Lakes and Streams, Part 301 of the Michigan Natural Resources and Environmental Protection Act - MCL §§ 324.30101 et seq.;
  - (8) Great Lakes Submerged Lands, Part 325 of the Michigan Natural Resources and Environmental Protection Act - MCL §§ 324.32501 et seq.;
  - (9) Farmland and Open Space Preservation, Part 361 of the

Michigan Natural Resources and Environmental Protection Act - MCL §§ 324.36101 et seq.;

- (10) Soil Conservation, Erosion, and Sedimentation Control, Parts 91 & 93 of the Michigan Natural Resources and Environmental Protection Act - MCL §§ 324.9101 et seq; 324.9301 et seq; (Legislative Policy § 324.9302).

c. **Farmland:**

- i. The Property has a history of agricultural usage.
- ii. The Property is located within Superior Township, a community presently experiencing rapid development, including the subdivision of prime farmland.

3. **BASELINE DOCUMENTATION.** Specific Conservation Values of the Property have been documented. This "Baseline Documentation" consists of maps, a depiction of existing human-made modifications, prominent vegetation, identification of flora and fauna, land use history, distinct natural features, and photographs.

4. **PROHIBITED ACTIONS.** Any activity on, or use of, the Property which is inconsistent with the permitted uses and activities set forth herein or in the Consent Judgment entered in the case of *Hummana et al. v Superior Township*, Washtenaw County Circuit Court file number: 08-07-CZ, (hereafter the "Consent Judgment"), a copy of which is filed with the Washtenaw County Register of Deeds at Liber \_\_\_\_, Page \_\_\_\_, is expressly prohibited.

5. **PERMITTED USES.** The Grantor retains ownership rights which are not expressly restricted by this Conservation Easement. In particular, the following rights are reserved:

a. **Agriculture.** Grantor retains the right to continue agricultural use. For purposes of this Conservation Easement agricultural use means substantially undeveloped land devoted to:

- i. The production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including the breeding and grazing of cattle, swine, captive cervidae, horses and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities, including road side stands for sale of Michigan produced farm and dairy products.

- ii. Riding trails for horses.

- iii. Pasturing of horses.
- iv. The use of farm machinery, rider mowers and all-terrain vehicles is permitted solely for agricultural purposes so long as their use remains consistent with the Conservation Values, as well as motorized maintenance and emergency vehicles.
- v. Grantor shall have the right to do the following in accordance with the plans approved by the Grantor and as permitted by the Consent Judgment:
  - (1) Create paths, trails or roads for access and equestrian use.
  - (2) Plow, till or cultivate the soils or vegetation.
  - (3) Construct or place authorized utility lines.
  - (4) Store or dispose of vegetative debris such as grass clippings, leaves, yard waste or other material collected and deposited from areas outside of the Easement Premises.
  - (5) Cut down, destroy, or otherwise alter or remove trees, tree limbs, shrubs, or other vegetation, whether living or dead within the Easement Premises expressly for the removal of trees or limbs to eliminate danger to health and safety; to reduce a threat of infestation posed by diseased vegetation; to control invasive non-native plant species that endanger the health of native species or as otherwise required or provided for farming and agricultural use or to build permitted agricultural structures, is permitted.
- b. **Structures.** Building will be limited to barns, storage buildings and animal shelters which involve a use related to agricultural activities that occur on the Conservation Parcel and have a maximum ground floor coverage of 15,000 square feet of total gross floor area and use of roadway stands for sale of Michigan produced farm and dairy products. Subject to the Michigan Right to Farm Act, buildings shall comply with the dimensional requirements contained in the Zoning Ordinance in effect at the time of applying for a Building Permit or Zoning Certificate of Compliance. To the extent that the rights contained in this paragraph conflict with the Open Space Preservation (OSP) Overlay district use or requirements than this paragraph shall be controlling.
- c. **Right to Maintain and Replace Existing Structures and Roads.** The Grantor retains the right to maintain, renovate and replace the existing structures, including fences and roads.
- d. **Right to Convey.** The Grantor retains the right to sell, mortgage,

bequeath, or donate the Property. Any conveyance will remain subject to the terms of the Conservation Easement and the subsequent Grantor will be bound by all obligations in this agreement.

- e. **Consent Judgment.** Anything contained herein, notwithstanding, those uses and activities identified in the Consent Judgment, including this Conservation Easement, shall dictate all allowed uses and the type and size of building allowed to be erected on the Conservation Parcel. Grantor may perform activities within the Easement Premises consistent with the Consent Judgment. Any activities shall be performed in a manner to minimize the adverse impacts to the Easement Area.
6. **RIGHTS OF THE TOWNSHIP.** The Grantor confers the following rights upon the Township to perpetually maintain the Conservation Values of the Property:
- a. **Right to Enter.** The Township, or its designated representative, has the right, upon prior notice, to enter the Property at reasonable times to monitor and enforce compliance with, or otherwise exercise its rights under, this Conservation Easement, the Consent Judgment and all other applicable Township Ordinances. The Township may not, however, unreasonably interfere with the Grantor's use and quiet enjoyment of the Property and the Township has no right to enter or permit others to enter the Property for purposes other than those set forth in this paragraph. The general public is not granted access to or use of the Property under this Conservation Easement.
  - b. **Right to Preserve.** The Township has the right to prevent any activity on or use of the Property that is inconsistent with the Purposes of this Conservation Easement or detrimental to the Conservation Values of the Property.
  - c. **Right to Require Restoration.** The Township has the right to require the Grantor to restore the areas or features of the Property which are damaged by any activity inconsistent with this Conservation Easement.
  - d. **Signs.** The Township has the right to place signs on the Property which identify the land as protected by this Conservation Easement. The number and location of any signs are subject to the Grantor's approval.
7. **TOWNSHIP'S REMEDIES.** This section addresses cumulative remedies of the Township and limitations on these remedies.
- a. **Delay in Enforcement.** A delay in enforcement shall not be construed as a waiver of the Township's right to eventually enforce the terms of this Conservation Easement.
  - b. **Acts Beyond Grantor's Control.** The Township may not bring an action against the Grantor for modifications to the Property resulting from causes

beyond the Grantors' control, including, but not limited to, unauthorized actions by third parties, natural disasters such as unintentional fires, floods, storms, natural earth movement, or even an Grantor's well-intentioned action in response to an emergency resulting in changes to the Property. The Grantor has no responsibility under this Conservation Easement for such unintended modifications.

**c. Notice and Demand.**

- i. If the Township determines that the Grantor is in violation of this Conservation Easement, or that a violation is threatened, the Township shall provide written notice to the Grantor. The written notice will identify the violation and request corrective action to cure the violation and, where the Property has been injured, to restore the Property.
- ii. The Grantor shall have fourteen (14) after the notice is issued to reply to the notice of violation by serving on the Township a written statement either:
  - (1) Acknowledging the violation and providing the Township with a statement of corrective action to be taken together with a timetable for taking action; or
  - (2) Disputing the violation and requesting a hearing.
- iii. If the Grantor acknowledges the violation and the plan of corrective action is acceptable, the Township shall provide the Grantor with written notice of its approval within 7 days of receiving Grantor's reply.

**d. Hearing on Violation.**

- i. If the Grantor disputes the violation or if the plan of corrective action is for any reason unacceptable to the Township, a hearing on the violation shall be held before the Township Board or such other body as is designated by the Township to conduct the hearing no later than 21 days after the date the Grantor's written reply is received by the Township.
- ii. If a hearing is held because the Grantor disputes the violation, the Grantor shall present evidence as to why there is no violation and after being given an opportunity to be heard, the Township shall determine whether the Grantor is in violation and if so, establish a plan of action and a timetable for compliance.
- iii. If the hearing is held because the Township objects to the Grantor's plan of corrective action, the Grantor shall present evidence as to

why its plan of corrective action is reasonable and after being given an opportunity to be heard, the Township may approve the Grantor's plan or modify as it deems appropriate.

- e. **Failure to Act.**
  - i. The Township may bring an action in law or in equity to enforce the terms of the Conservation Easement If the Grantor fails to:
    - (1) Reply within the permitted time to the notice of violation, or
    - (2) Implement corrective measures in the manner and within the time permitted in the approved plan of correction action.
  - ii. The Township is entitled to seek an injunction to enjoin the violation through temporary or permanent injunctive relief and to seek specific performance, declaratory relief, restitution, reimbursement of expenses, and/or an order compelling the Grantor to restore the Property. If the court determines that the Grantor has failed to comply with this Conservation Easement, the Grantor shall also reimburse the Township for all reasonable litigation costs and reasonable attorney's fees, and all costs of corrective action or Property restoration incurred by the Township.
- f. **Immediate and Irreparable Harm.** Notwithstanding the foregoing, if the Township determines, at its sole discretion, that the violation constitutes immediate and irreparable harm, no written notice is required. The Township may then immediately pursue its remedies to prevent or limit harm to the Conservation Values of the Property.
- g. **Unreasonable Litigation.** If the Township initiates litigation against the Grantor to enforce this Conservation Easement, and if the court determines that the litigation was initiated without reasonable cause or in bad faith, then the court may require the Township to reimburse the Grantor's reasonable costs and reasonable attorney's fees in defending the action and all incidental damages.
- h. **Actual or Threatened Non-Compliance.** The Township's rights under this Section, Township Remedies, apply equally in the event of either actual or threatened violations of the terms of this Easement. The Township shall be entitled to seek injunctive relief and/or specific performance.
- i. **Cumulative Remedies.** The preceding remedies of the Township are cumulative. Any, or all, of the remedies may be invoked by the Township if there is an actual or threatened violation of this Conservation Easement.

8. **CONSERVATION EASEMENT REQUIREMENTS UNDER MICHIGAN LAW AND UNITED STATES TREASURY REGULATIONS.** This Conservation Easement is created pursuant to the Conservation and Historic Preservation Easement, Sub part 11 of Part 21 of the Michigan Natural Resources and Environmental Protection Act (NREPA) - MCL §§ 324.2140 et seq. And the Township is qualified to hold conservation easements pursuant to this statute.
9. **OWNERSHIP COSTS AND LIABILITIES.** In accepting this Conservation Easement, the Township shall have no liability or other obligation for costs, liabilities, taxes, or insurance of any kind related to the Property. The Township's rights do not include the right, in absence of a judicial decree, to enter the Property for the purpose of becoming an operator of the Property within the meaning of the Comprehensive Environmental Response, Compensation, and Liability Act. The Township, its members, trustees or directors, officers, employees, and agents have no liability arising from injury or death to any person or physical damage to any property on the Property. The Grantor agrees to defend and hold the Township harmless against such claims.
10. **HAZARDOUS MATERIALS.** The Grantor has no knowledge of a release of hazardous substances or hazardous waste on the Property.
11. **CESSATION OF EXISTENCE.** If the Township shall cease to exist or if it fails to be a "qualified organization" for purposes of Internal Revenue Code Section 170(h)(3), or if the Township is no longer authorized to acquire and hold conservation easements, then this Conservation Easement shall become vested in another entity. This entity shall be a "qualified organization" for purposes of Internal Revenue Code Section 170(h)(3). The Township's rights and responsibilities shall be assigned to any entity having similar conservation purposes to which such right may be awarded under the cy pres doctrine.
12. **LIBERAL CONSTRUCTION.** This Conservation Easement shall be liberally construed in favor of maintaining the Conservation Values of the Property and in accordance with the Conservation and Historic Preservation Easement, Sub part 11 of Part 21 of the Michigan Natural Resources and Environmental Code MCL 324.2140 et seq.
13. **NOTICES.** For purposes of this agreement, notices may be provided to either party by personal delivery or by mailing a written notice to the party by Overnight Delivery or First Class mail to the address first written above. Any party may change its address, by providing the other party notice of the new address in the manner provided herein.
14. **SEVERABILITY.** If any portion of this Conservation Easement is determined to be invalid, the remaining provisions will remain in force.
15. **SUCCESSORS.** This Conservation Easement is binding upon, and inures to the benefit of, the Grantor's and the Township's successors in interest. All

subsequent Grantors of the Property are bound to all provisions of this Conservation Easement to the same extent as the Grantor.

16. **TERMINATION OF RIGHTS AND OBLIGATIONS.** A party's future rights and obligations under this Conservation Easement terminate upon transfer of that party's interest in the Property. Liability for acts or omissions occurring prior to transfer will survive the transfer.
17. **MICHIGAN LAW.** This Conservation Easement will be construed in accordance with Michigan Law.
18. **ENTIRE AGREEMENT.** This Conservation Easement sets forth the entire agreement of the parties. It is intended to supersede all prior discussions or understandings.

*Signatures Page to Follow*

WITNESSES:

\_\_\_\_\_

\_\_\_\_\_

**GRANTOR:**  
**HUMMANA, LLC,**  
a Michigan Limited Liability Company

\_\_\_\_\_  
By: Steven Friedman  
Its: Authorized Member

WITNESSES:

\_\_\_\_\_

\_\_\_\_\_

**NYR82, LLC,**  
a Michigan limited liability company

\_\_\_\_\_  
By: Steven Friedman  
Its: Authorized Member

STATE OF MICHIGAN )  
COUNTY OF OAKLAND)

On January \_\_\_\_\_, 2010, before me, a Notary Public, in and for said County, personally appeared before me Steven Friedman, known to be the Authorized Member of Hummana, LLC and of NYR82, LLC who executed the above Consent Judgment, and acknowledged the same to be his free act and deed by authority given by the resolution of Hummana, LLC, and of NYR82, LLC, Michigan limited liability companies.

\_\_\_\_\_  
Notary Public  
Oakland County, Michigan  
My Commission Expires:

**ACCEPTANCE OF CONSERVATION EASEMENT**

The acceptance of the Conservation Easement has been approved by the Charter Township of Superior on January \_\_\_\_, 2010; Grantee accepts the grant and agrees to its terms.

WITNESSES:

**GRANTEE:**  
**CHARTER TOWNSHIP OF SUPERIOR**  
a Michigan municipal corporation

\_\_\_\_\_  
  
\_\_\_\_\_

\_\_\_\_\_  
By: William McFarlane  
Its: Supervisor

STATE OF MICHIGAN        )  
COUNTY OF WASHTENAW )

Subscribed and sworn to (or affirmed) before me this \_\_\_\_ day of January, 2010, by William McFarlane, the Supervisor of the Charter Township of Superior, a Michigan municipal corporation.

\_\_\_\_\_  
Notary Public  
Washtenaw County, Michigan  
My Commission Expires:

## EXHIBIT H

### Description of Stables Parcel

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 28, T.2S., R.7E., SUPERIOR TOWNSHIP, WASHTENAW COUNTY, MICHIGAN; THENCE S87°03'20"W 1716.76 FEET ALONG THE SOUTH LINE OF SAID SECTION 28 AND THE CENTERLINE OF GEDDES ROAD (66' WIDE); THENCE N02°10'00"W 1381.46 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N02°10'00"W 778.98 FEET; THENCE N87°18'30"E 726.88 FEET; THENCE S63°50'17"E 103.61 FEET; THENCE N87°18'30"E 790.55 FEET; THENCE S02°10'00"E 175.00 FEET; THENCE N87°18'30"E 108.00 FEET; THENCE S02°10'00"E 546.40 FEET ALONG THE EAST LINE OF SAID SECTION 28 AND THE CENTERLINE OF PROSPECT ROAD (66 FEET WIDE); THENCE S87°03'20"W 1716.72 FEET TO THE POINT OF BEGINNING, BEING PART OF THE SOUTHEAST 1/4 OF SAID SECTION 28, CONTAINING 29.03 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE EAST 33 FEET THEREOF, AS OCCUPIED BY SAID PROSPECT ROAD, AND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

EXHIBIT I  
Concept Plan

## EXHIBIT J

### Description of 6 Acre Parcel

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 28, T.2S., R.7E., SUPERIOR TOWNSHIP, WASHTENAW COUNTY, MICHIGAN; THENCE S87°03'20"W 833.71 FEET ALONG THE SOUTH LINE OF SAID SECTION 28 AND THE CENTERLINE OF GEDDES ROAD (66' WIDE) TO THE POINT OF BEGINNING; THENCE CONTINUING S87°03'20"W 883.05 FEET ALONG SAID CENTERLINE AND SAID SOUTH SECTION LINE; THENCE N02°10'00"W 334.27 FEET; THENCE N87°03'20"E 466.42 FEET; THENCE S02°56'40"E 80.19 FEET; THENCE N87°03'20"E 412.12 FEET; THENCE S02°56'20"E 254.05 FEET TO THE POINT OF BEGINNING, BEING PART OF THE SOUTHEAST 1/4 OF SAID SECTION 28, CONTAINING 6.00 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE SOUTH 33 FEET THEREOF, AS OCCUPIED BY SAID GEDDES ROAD, AND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

January 15, 2010

Charter Township of Superior  
3040 North Prospect Rd.  
Ypsilanti, Michigan 48198

Attn: Mr. David Phillips

Re: Concept Plan  
Property Described in a Proposed Consent Judgment:  
*Hummana, LLC and NYR82, LLC v. Charter Township of Superior, Washtenaw  
County Circuit Court Case No. 08-07-CZ*

Mr. Phillips,

Please find the following attached:

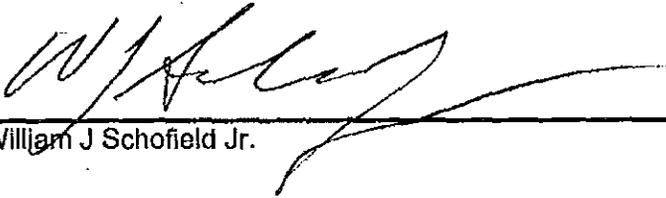
Page 1. A photograph of the proposed style of the proposed retail building. Note the building will be somewhere between 2500 and 5000 square feet. The height will not exceed the maximum allowed height in the a-2 zone. Roofing and siding materials will be steel, Colors will be earth tones selected to match the existing stables and arena. Roof pitch will be a minimum of 6-12.

Page 2. A site plan showing the proposed building envelope and the location of the drive and the proposed sign.

Page 3. A blow up of the area shown on page two. Also the areas of proposed buffering are shown.

Note: the type of buffering is proposed to be a 4-6 high foot earth berm planted with various plants including evergreens for screening purposes.

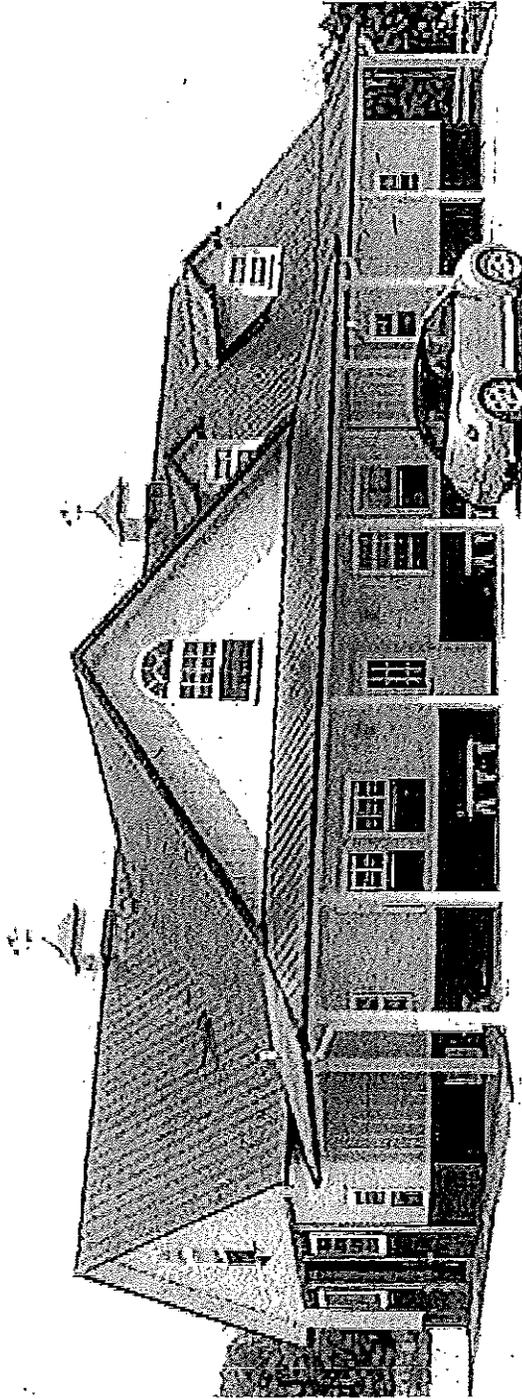
Note: The sign is proposed to be a 4' x 8' backlit sign on top of a 4'6" pedestal similar in size to the sign located at Lucas Nursery



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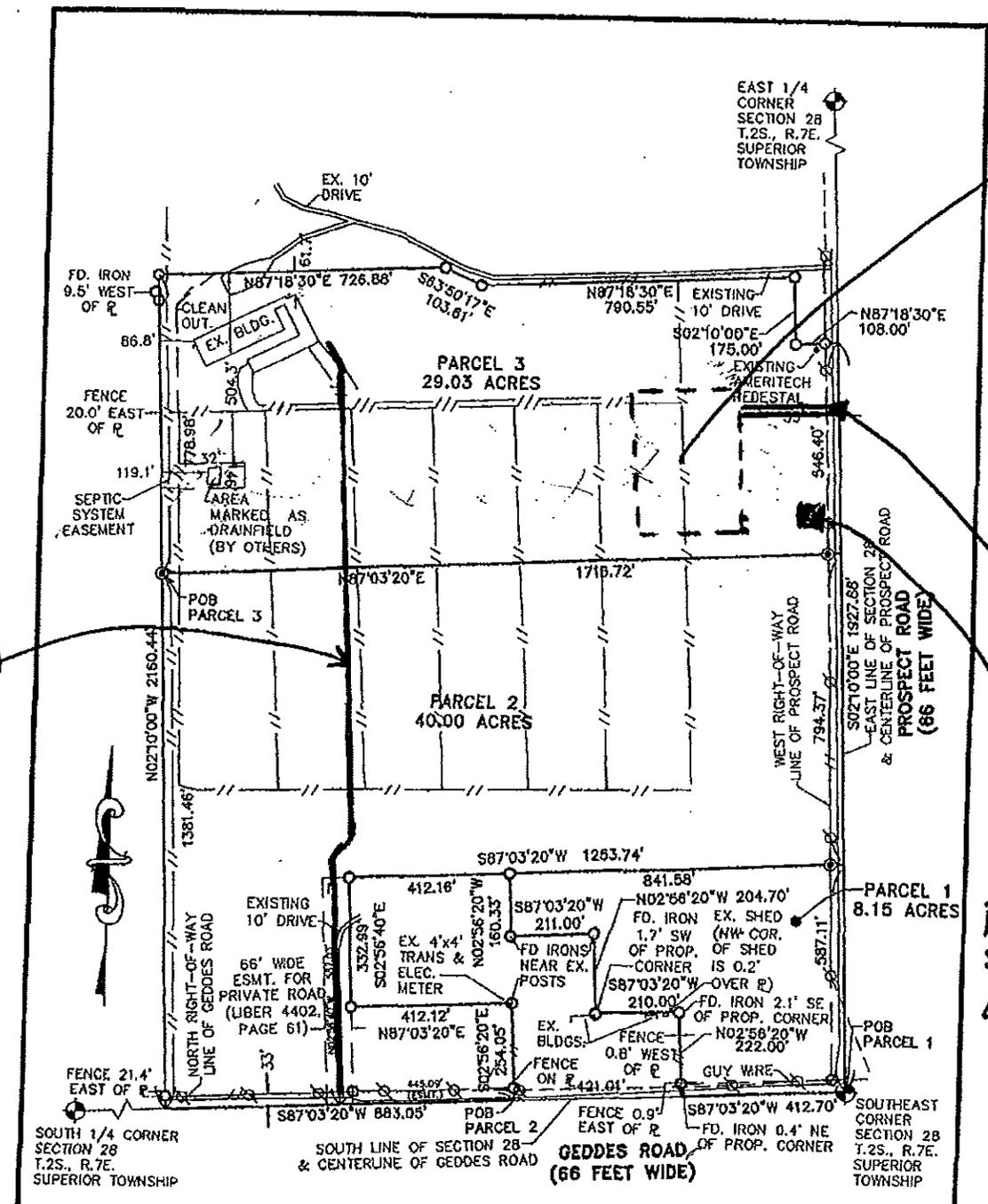
William J Schofield Jr.

SCALE  $\approx$   
 $\frac{1}{8}'' = 1'$



PROPOSED STYLE OF FEED STORE. STORE WILL BE 2500 - 5000 S.F.  
HEIGHT NOT TO EXCEED MAXIMUM ALLOWED IN A-2 ZONE.  
ROOFING, SIDING TO BE STEEL. COLORS TO MATCH EXISTING STABLE.  
ROOF PITCH TO BE MINIMUM OF 6-12.

PAGE 2



PROPOSED BUILDING ENVELOPE

PROPOSED DRIVE

PROPOSED SIB LOCATION

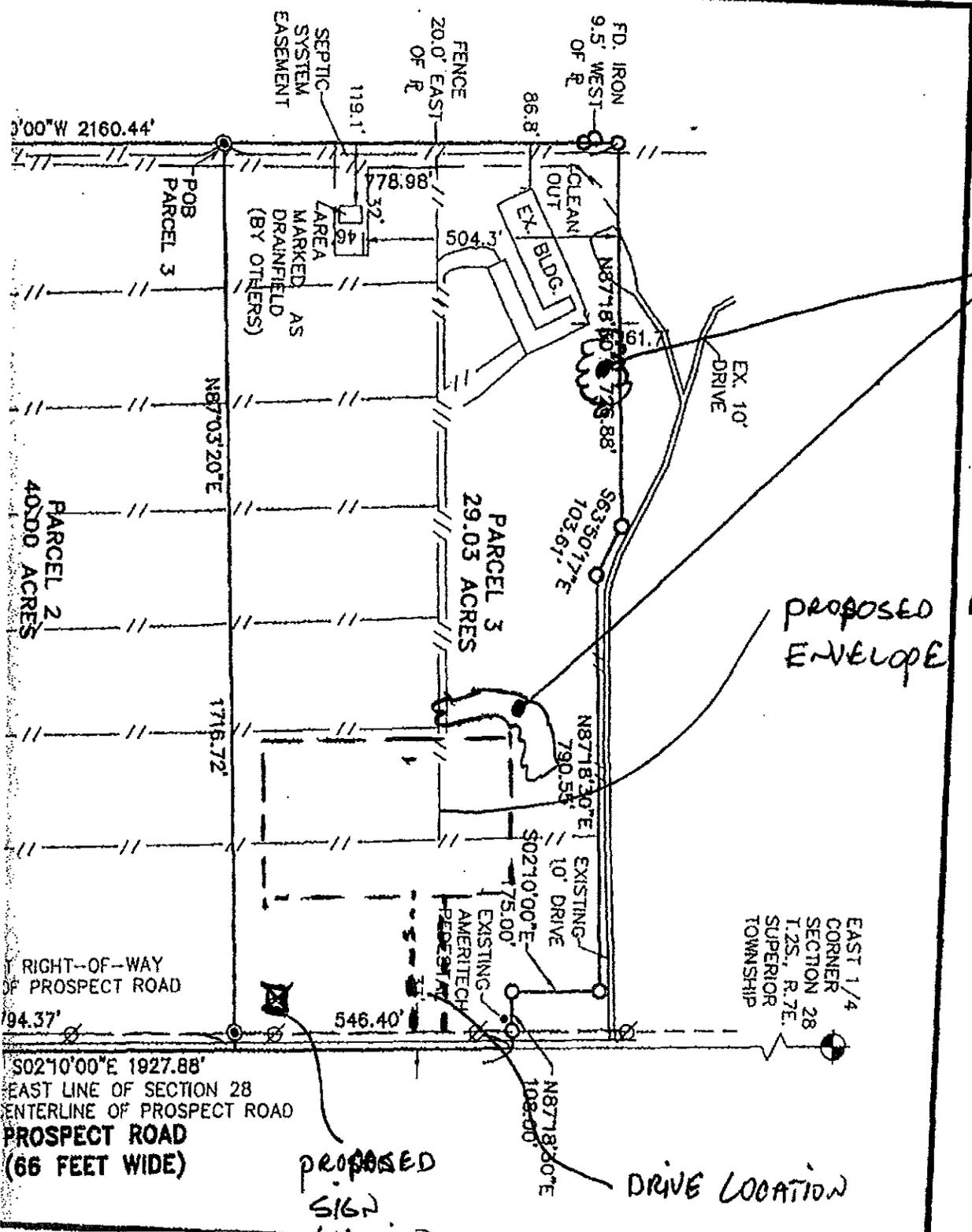
DRIVEWAY ACCESS TO STABLE

- LEGEND**
- FOUND IRON
  - ⊙ SET IRON
  - ⊗ EX. UTILITY POLE
  - EX. FENCE
  - - - EX. OVERHEAD LINES

NOTE: BEARINGS ARE BASED ON THE DESCRIPTION AS PROVIDED

**ALPINE ENGINEERING, INC.**  
 CIVIL ENGINEERS & LAND SURVEYORS  
 48892 WEST ROAD  
 SUITE 109  
 NOVI, MICHIGAN 48377  
 (248) 926-3701 (BUS)  
 (248) 926-3765 (FAX)

CLIENT: <b>HAMMANA, LLC &amp; NYR82 LLC</b>	DATE: 12/21/09
<b>PARCEL SPLIT</b>	DRAWN BY: JF
<b>2223 NORTH PROSPECT ROAD</b> SECTION: 28 TOWNSHIP: 2 S RANGE: 7 E SUPERIOR TOWNSHIP WASHTENAW COUNTY MICHIGAN	CHECKED BY: GJM
	0 150 300
	FBK: 159 CHP: BJ
	1/2
	SCALE: HCR 1"=300 FT. VER 1"=40 FT.



PROPOSED AREAS OF BUFFERING

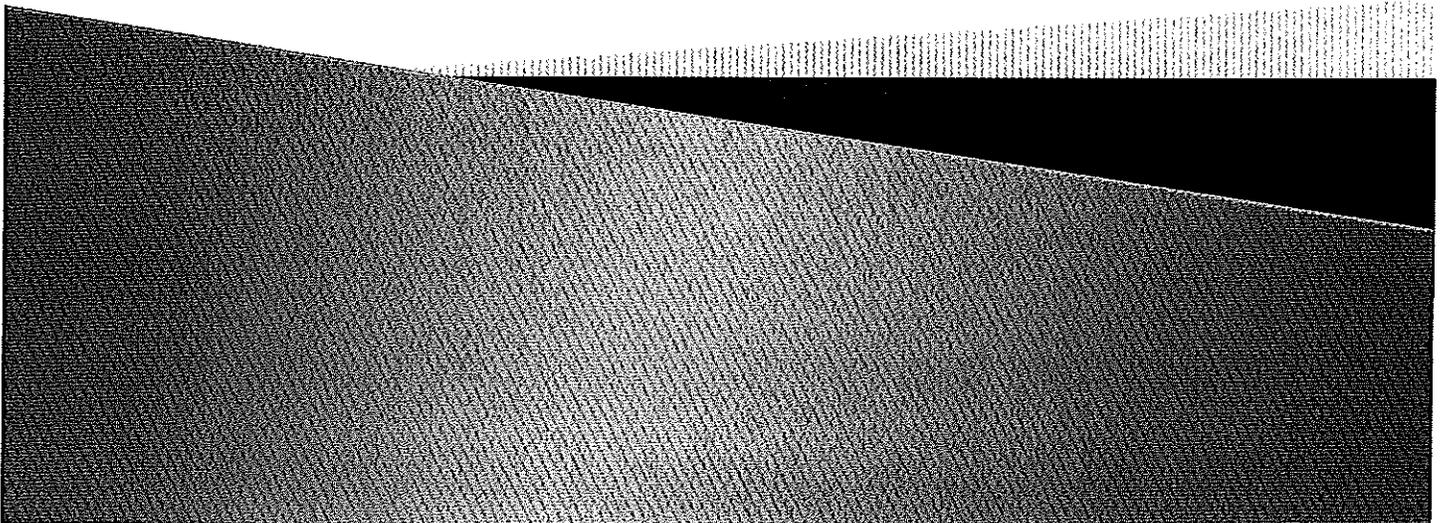
PROPOSED BUILDING ENVELOPE

PROPOSED SIGN LOCATION

DRIVE LOCATION

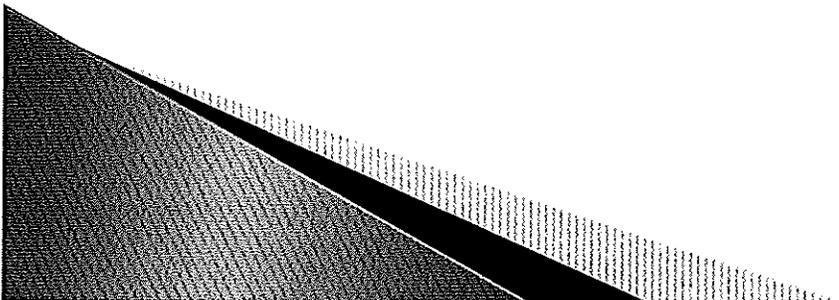
HUMMANA, LLC and  
NYR82, LLC,  
Plaintiffs,  
v  
CHARTER TOWNSHIP OF  
SUPERIOR,  
Defendant,

**CONSENT JUDGMENT:  
TERMS AND CONDITIONS**



# Property at Issue

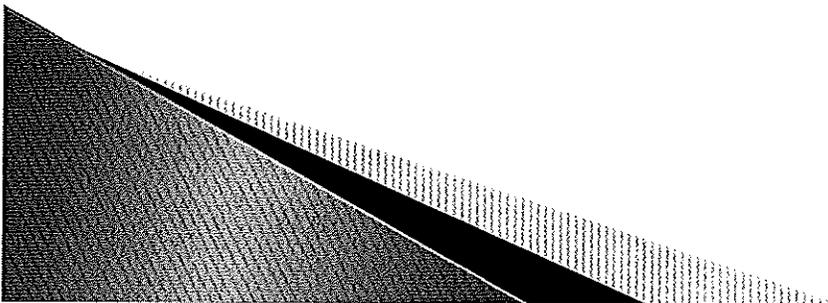
- ▶ 77.18 acres located at the northwest corner of Geddes and Prospect Roads
- ▶ Zoned A2
- ▶ Located outside the Urban Services Area, as delineated by the Township's Growth Management Plan
- ▶ Most recently used to stable horses





# History of Dispute

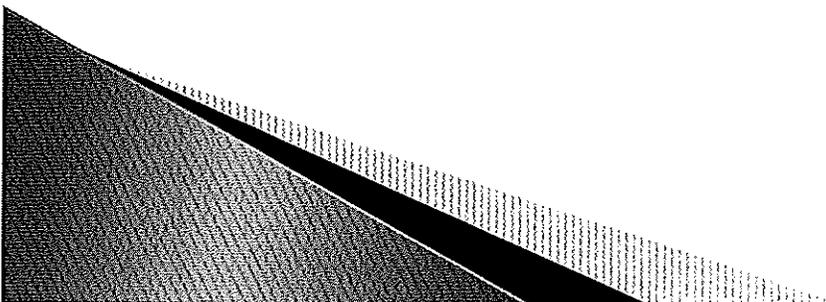
- ▶ On April 4, 2007, plaintiffs filed an application to rezone the Subject Property from A-2 Secondary Agricultural to R-4 Single-Family Urban Residential.
- ▶ On September 17, 2007, the Township Board voted to deny the rezoning request.
- ▶ Plaintiffs filed suit in Washtenaw County Circuit Court seeking mandamus, superintending control, injunctive, rezoning and equitable and other relief, taking and damages.



# Terms of Settlement:

## Part I – Township Property

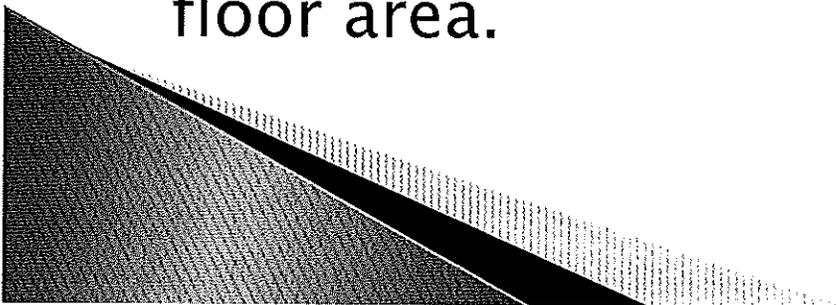
- ▶ Township acquires 8.15 acres at the corner of Geddes and Prospect for the sum of \$300,000.
- ▶ Township intends to use the property for future police and/or fire station to cover the southern end of the Township.



# Terms of Settlement:

## Part II – Conservation Property

- ▶ Township acquires development rights for 40 acres for the sum of \$100,000. Prevents this land from being developed for any use other than agricultural.
- ▶ A Conservation Easement will limit uses to farming and other agricultural activities. Building will be limited to barns, storage buildings and animal shelters which involve a use related to agricultural activities that occur on the Conservation Parcel and have a maximum ground floor coverage of 15,000 square feet of total gross floor area.

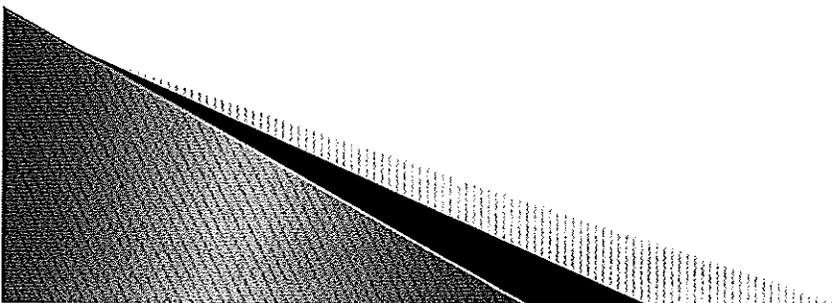


# Terms of Settlement:

## Part III – Stable Property

- ▶ The remaining 29 acres may be used for the following purposes:
- ▶ Agricultural service establishments as defined in Section 5.101;
- ▶ Bulk feed farm supply stores as defined in Section 5.101;
- ▶ Private riding arena or boarding stable as defined in Section 5.107;
- ▶ Public or commercial riding stable as defined in Section 5.108;

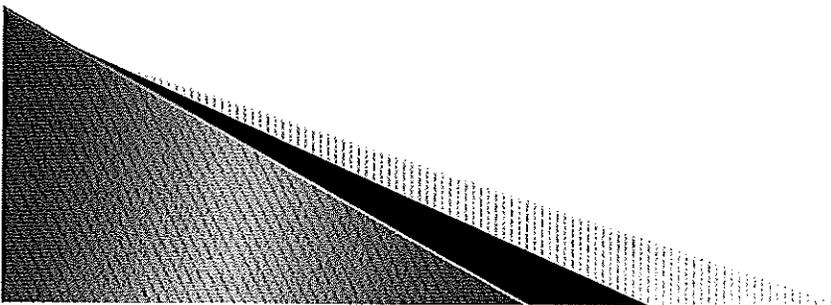
(continued)



# Terms of Settlement:

## Part III – Stable Property (continued)

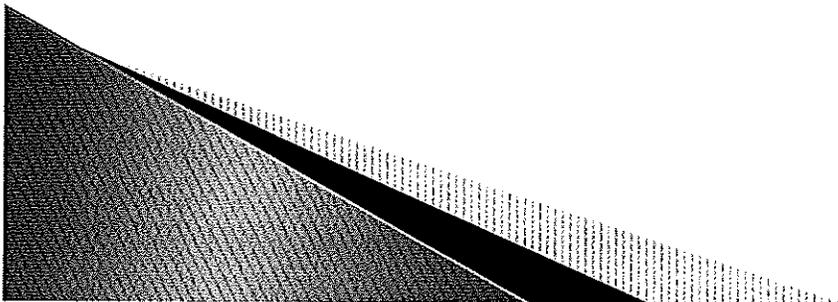
- ▶ Other permitted principal uses in the Agricultural (A-2) District, except that no “factory farms” shall be permitted;
- ▶ Selling of supplies, products and equipment in conjunction and normally associated with a riding stable or equestrian facility.
- ▶ Feed and grain production, storage and sales;
- ▶ Storage and sale of fertilizer and related products; and
- ▶ All other permitted, conditional and accessory uses in the Agricultural (A-2) District, subject to the approval



# Terms of Settlement:

## Part IV – Design Standards

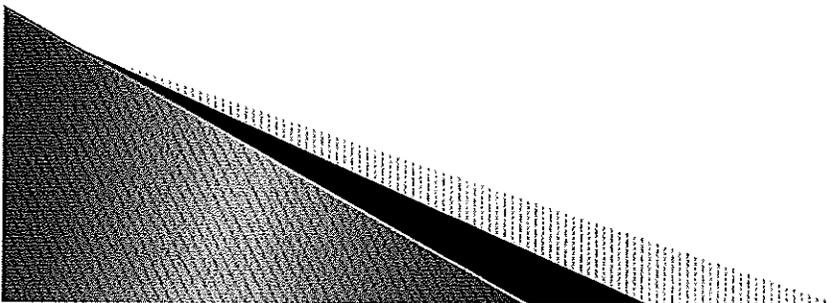
- ▶ The front elevation of any new structures on the Stables Parcel must have a "country" look, which shall be subject to administrative approval.
- ▶ Any further development shall require buffering from the Donohue property and screening and buffering shall comply with Section 14.10 of the Township Zoning Ordinance and shall incorporate a combination of screening methods as outlined in Sections 14.10(D)(1), Greenbelt buffer; and 14.10(D)(5)
- ▶ All development projects for the Stables and Conservation parcels shall be subject to all reviews, approvals and fees as indicated within all Ordinances and resolutions of the Township. All plans shall receive approval of the Township Board prior to any construction or the issuance of any building permits.
- ▶ All road and utility improvements shall be subject to review by the Township's engineering department and/or consultants applying Township ordinance standards
- ▶ Plaintiffs are responsible for the payment of all planning consultant, engineering consultant, attorney or any other fees related to the Township's reviews.



# Terms of Settlement:

## Part V- Miscellaneous Provisions

- ▶ All terms on this Consent Judgment shall run with the land.
- ▶ All claims against the Township are dismissed with prejudice and without costs either party.



## Hummana Property

1. Opening remarks by Supervisor William McFarlane
2. Overview of Consent Judgment by Attorney Fred Lucas
3. Comments by Township Planners
4. Comments by Fire Chief Jim Roberts
5. Comments by Schofield group

## Information:

1. June 1998 Conditional Use granted for use of the stable and arena as a private stable.
2. In May 2005, the entire property, 88 acres including the house, stables and arena was, purchased by Hummana LLC and NYR82 LLC for \$1,900,000.
3. After sale, the new property owners requested the property be split into two parcels. One parcel would be 11.54 acres upon which the house was located. The second parcel was 77.18 acres upon which the stables and arena were located. In March 2006, the Township approved the split. This resulted in the unique "key-hole" shape of the 11.54 acres, and the allowed for the continued use of the stable and arena as.
4. In April 2007, the owner of the 77 acre parcel filed an application to rezone the property from A-2 Secondary Agricultural to R-4 Single Family Urban Residential. The submitted petition proposed 235 homes to be served by a private community waste water treatment plant with ground water discharge.
5. On August 22, 2007, the Planning Commission recommended denial of the rezoning request.
6. On September 17, 2007, the Township Board voted to deny the rezoning request.
7. On December 6, 2007, the Zoning Board of Appeals denied the petitioner's request for dimensional and use variance.
8. On January 2, 2008, Hummana LLC and NYR82 LLC filed a lawsuit in Washtenaw County Circuit Court seeking "Mandamus, Superintending Control, Rezoning, Injunctive and Declaratory Relief, Taking, Damages and other Relief for Jury Trial".
9. In January and February 2009, Township officials began to speak with and meet with staff from the Washtenaw County Parks and Recreation Department, the Ann Arbor Greenbelt, Southeast Michigan Land Conservation Society and other land preservation groups about the possibility of either purchasing the land, or purchasing the development rights on the land. Some of the groups indicated they may be interested. Township officials requested to meet with the property owners/plaintiffs to discuss this option.

- 10 In March 2009, Township officials met with the property owners/plaintiffs to discuss the possibility of them selling the property, or development rights to the property. They indicated they may be interested and the price to purchase the property was \$1,500,000.
- 11 Township officials met with a neighboring property owner and inquired if they were interested in partnering with the Township in some sort of purchase of the property and sale of the development rights.
- 12 During the summer of 2009 the Township continued to communicate with various land preservation groups and Washtenaw County Parks and Recreation. No group was willing to purchase the property, purchase the development rights to the property or partner with the Township to purchase the development rights.
- 13 Upon confirming that no land preservation group, neighboring property owners or the County Parks and Recreation Department were able to participate in the purchase of the property, Township officials began to contact persons in the horse stabling industry to see if they were interested in purchasing the property with the possibility of selling the development rights on a portion of the property. Various owners of stables, real estate agents, the manager of the horse racing track and others were contacted.
- 14 In July 2009, Marion Morris, President of the Superior Land Preservation Society informed Township officials that she knew of some people who may be interested in purchasing the stables and arena and preserving a portion of the property.
- 15 In July 2009, Township officials met with several residents of the Township who expressed interest in partnering with the Township to purchase the property. They were interested in operating the horse stables and also locating a feed and farm supply store on the property. The Township and the plaintiffs continued discussions with this group, the Schofield group, which led to the plaintiffs agreeing to dismiss the lawsuit without prejudice.
- 16 On September 24, 2009, Washtenaw County Circuit Court Honorable Judge Archie C. Brown ordered the lawsuit dismissed without prejudice "so that the parties may attempt to conclude a settlement".
- 17 All three parties continued negotiations which led to the drafting of the Consent Judgment. The main points of the Consent Judgment include: all 77 acres would remain zoned Agricultural (A-2) District); the Township would purchase the eight acres on the corner for \$200,000 for future use as a Township building, most likely a fire station; the Schofield group would purchase the remaining 69 acres; the Township would purchase the development rights on 40 acres on the south portion of the property for \$200,000; the existing stables and arena would be split off on a 29 acre parcel; continued use of the stables and arena as a private or public stable would be allowed; the Consent Judgment would also allow the new construction of a store and warehouse for purposes allowed under the following sections of the Superior Township Ordinance: Agricultural Service Establishments (Section 5.101); Bulk Feed Farm Supply Store (Section 5.101) and all other uses permitted under the Agricultural (A-2) District.
- 18 Section 6(c) of the Consent Judgment states: "Except as otherwise provided for in this Consent Judgment and within this subsection, all development projects for the Stables and Conservation parcels shall be subject to all reviews, approvals and

fees as indicated within all Ordinances and resolutions of the Township. Plaintiffs shall submit preliminary and final site plans for review by the Township's consultants, staff, and by the Township Planning Commission at their regularly scheduled meetings."

Attachments: Parcel Plan; Canvass of Votes Cast for the May 2, 2006 Election, Proposal C, Superior Charter Township Growth Management Millage Proposal; September 24, 2009 Order of Dismissal by Honorable Judge Archie C. Brown; October 2009 Balance Sheet for Fire Reserve Building Improvement and Legal Defense Fund; Appraisal Results; Baseline Cover Letter; Donahue Letter



# CANVASS OF VOTES CAST

## AT THE ELECTION

HELD ON

May 2, 2006

(DATE OF ELECTION)

OF THE TOWNSHIP OF SUPERIOR,

AND CANVASSED BY THE BOARD OF CANVASSERS

WASHTENAW COUNTY, MICHIGAN

<b>Proposal C - Superior Township</b>		
<b>PRECINCT NAME</b>	<b>NO</b>	<b>YES</b>
Superior Township Precinct 1	91	128
Superior Township Precinct 2	96	149
Superior Township Precinct 3	68	53
Superior Township Precinct 4	43	103
Superior Township Precinct 5	96	273
<b>Totals</b>	<b>394</b>	<b>706</b>
	<b>35.82%</b>	<b>64.18%</b>



**WASHTENAW COUNTY PROPOSAL**

**PROPOSAL A**

**PROPOSITION TO INCREASE THE TAX LIMITATION TO PROVIDE FUNDING TO IMPROVE THE COUNTY ENHANCED EMERGENCY COMMUNICATIONS SYSTEM BY CONSTRUCTING ADDITIONAL TOWERS, UPGRADING THE EXISTING INFRASTRUCTURE AND PURCHASING THE NECESSARY EQUIPMENT**

Shall the limitation on the amount of taxes which may be imposed each year for all purposes on real and tangible personal property in Washtenaw County, Michigan be increased as provided in Section 6, Article IX of the Michigan Constitution and the Board of Commissioners of the County be authorized to levy a tax not to exceed two tenths of one mill (\$0.20 per \$1,000 of state taxable valuation) for a period of ten years, beginning with the December 1, 2006 tax levy, (which will generate estimated revenues of \$2,705,238 the first year) to acquire, construct, renovate, maintain and operate and upgrade to the County's Enhanced Emergency Communications System, including constructing additional towers, upgrading the existing infrastructure, purchasing necessary equipment, and paying for maintenance and user fees?

YES   
NO

**SUPERIOR TOWNSHIP PROPOSAL**

**PROPOSAL C**

**SUPERIOR CHARTER TOWNSHIP GROWTH MANAGEMENT MILLAGE PROPOSAL TO PROVIDE FUNDS TO DEFEND AND PROMOTE THE TOWNSHIP GROWTH MANAGEMENT PLAN**

Shall the limitation on the total general ad valorem taxes which may be assessed in any one year upon real and tangible personal property in the Charter Township of Superior, Washtenaw County, Michigan, as provided by Article IX, Section 6, of the Michigan Constitution, be increased by 0.25 mills (\$0.25 per \$1,000 of taxable value) for a period of three years, the years 2006 through 2008, inclusive, for the purpose of providing funds for legal services to defend the Township Growth Management Plan, Zoning Ordinance, and to purchase development rights to further the goals of the Plan, and shall the township levy this millage increase for those purposes, thereby raising in the first year an estimated \$140,000.00?

Should this proposal be approved?

YES   
NO

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

HUMMANA, LLC and NYR82, LLC,  
Michigan limited liability companies,  
Jointly and severally,

Plaintiffs,

Case No. 08-07-CZ  
HON. ARCHIE C. BROWN

vs.

CHARTER TOWNSHIP OF SUPERIOR,

Defendant.

ROBERT A. JACOBS (P15402)  
Jackier Gould, P.C.  
Attorney for Plaintiff  
121 W. Long Lake Road, Suite 200  
Bloomfield Hills, MI 48304-2719  
(248) 433-2594  
[jacobs@jackiergould.com](mailto:jacobs@jackiergould.com)

FREDERICK LUCAS (P29074)  
Lucas Law, P.C.  
Attorney for Defendant  
7577 US Highway 12, Suite A  
Onstead, MI 49265  
(517) 467-4000  
[lucas@lucaslawpc.com](mailto:lucas@lucaslawpc.com)

**ORDER OF DISMISSAL WITHOUT PREJUDICE**

At a session of said Court held in the City of Ann  
Arbor, Washtenaw County, Michigan

On SEP 24 2009

PRESENT: ARCHIE C. BROWN  
HONORABLE ARCHIE C. BROWN  
CIRCUIT COURT JUDGE

The parties, through their respective counsel, having stipulated to entry of an *Order of Dismissal Without Prejudice*, of the within case, subject to the following conditions, and the Court being advised in the premises:

IT IS HEREBY ORDERED that this case is dismissed without prejudice or costs as to any party and to remove this cause from the Court's docket so that the parties may attempt to

LAW OFFICE'S JACKIER GOULD, P.C., SUITE 200, 121 W LONG LAKE ROAD, BLOOMFIELD HILLS, MICHIGAN 48304 2719 (248) 642-0500

LAW OFFICES JACKIER GOULD, P.C. SUITE 200, 121 W LONG LAKE ROAD, BLOOMFIELD HILLS, MICHIGAN 48304 2719 (248) 642 0500

conclude a settlement, which includes third parties and which may take several months, with the objective to petition the Court to reinstate this matter for purposes of entry of a Consent Judgment incorporating the settlement terms if a settlement occurs.

IT FURTHER ORDERED that the statute of limitations and any statute of repose will be tolled and that any equitable defenses, for a period of two years from the date of dismissal of this case, such as laches, waiver and estoppel, that may arise as a direct result of the aforesaid dismissal in favor of Defendant shall not apply and shall not run until such time as the case is reinstated or re-filed. It is further agreed that Plaintiffs do not waive nor is there a tolling of any claims, including those for damages, they may be entitled to pursue or recover.

*Subject to the above, this is a final Order of the Court, which resolves the last pending claim and closes this file.*

**/S/ ARCHIE C. BROWN**

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**HONORABLE ARCHIE C. BROWN**  
**Circuit Court Judge**

BALANCE SHEET FOR SUPERIOR TOWNSHIP  
 PERIOD ENDED 10/31/2009  
 FUND 207 - FIRE RESERVES FUND

-----  
 \*\*\* ASSETS \*\*\*

207-000-013.000	INTEREST BEARING CHECKING	185.00	
207-000-013.033	CITIZENS US TREAS SWEEP - ACCRD ABS RES	310,902.59	
207-000-015.050	CASH-CD-RESERVES	0.00	
207-000-016.000	GOVT OPERATING FUND GEN RESERVE	398,201.40	
207-000-016.004	GOVT OP TRUST BOND PAYMENT RESERVE	110,148.04	
207-000-016.005	GOVT OP TRUST BLDG CONSTRUCT RES	407,784.17	
207-000-016.006	COMERICA GOVT OP TRUST TRUCK REPLACE RES	430,198.63	
207-000-016.075	INVESTMENT POOL-RESERVE FUNDS	0.00	
207-000-017.000	MONEY MARKET RESERVE CITIZENS	0.00	
207-000-017.050	RESERVE MONEY MARKET-COMERICA	0.00	
207-000-066.000	DUE FROM FIRE FUND	0.00	
	TOTAL ASSETS		1,657,419.83

\*\*\* LIABILITIES \*\*\*

207-000-208.000	DUE TO OTHERS	0.00	
207-000-286.000	DUE TO FIRE FUND	0.00	
	TOTAL LIABILITIES		0.00

\*\*\* CAPITAL \*\*\*

207-000-390.000	FUND BALANCE	185.00	
207-000-393.000	FUND BALANCE GENERAL RESERVE	397,649.08	
207-000-393.010	FB RESERVED--BUILD IMPRV	407,218.55	
207-000-393.015	FB RESERVED TRUCK REPLACEMENT	429,556.04	
207-000-393.050	FB RESERVED ACCRUED ABSENCES	310,334.31	
207-000-393.085	BOND PAYMENT RESERVE	109,995.26	
	BEG. FUND BALANCE		1,654,938.24
	NET OF REVENUES VS. EXPENDITURES		2,481.59
	TOTAL CAPITAL		1,657,419.83
	TOTAL LIABILITIES AND CAPITAL		1,657,419.83

BALANCE SHEET FOR SUPERIOR TOWNSHIP  
PERIOD ENDED 10/31/2009  
FUND 204 - LEGAL DEFENSE FUND-----  
\*\*\* ASSETS \*\*\*

204-000-013.000	INTEREST BEARING CHECKING	239,361.71
204-000-013.015	CHECKING-NON INTEREST BEARING	0.00
204-000-026.000	A/R OTHER	0.00
204-000-031.001	A/R UNCOLLECTED CURRENT TAXES	0.00
204-000-068.000	A/R TAX FUND-COLLECTED TAXES	0.00
204-000-071.000	DUE FROM GENERAL FUND	0.00

## TOTAL ASSETS

---

239,361.71

## \*\*\* LIABILITIES \*\*\*

204-000-201.000	ACCOUNTS PAYABLE	0.00
204-000-205.001	DUE TO GENERAL FUND	1.09
204-000-287.000	DEFERRED REVENUE	0.00
204-000-287.001	DEFERRED REVENUE PILOT	469.70

## TOTAL LIABILITIES

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470.79

## \*\*\* CAPITAL \*\*\*

204-000-390.000	FUND BALANCE	239,921.71
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## BEG. FUND BALANCE

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239,921.71

NET OF REVENUES VS. EXPENDITURES

(1,030.79)

TOTAL CAPITAL

238,890.92

TOTAL LIABILITIES AND CAPITAL

---

239,361.71

**THE NATIONWIDE GROUP, Appraisal Section  
2845 WEST COMMERCE @ NATIONWIDE DRIVE  
MILFORD, MICHIGAN 48380**

**COMPLETE APPRAISAL  
SELF CONTAINED REPORT ON**

**8.1 ACRE VACANT PARCEL OF LAND LOCATED IN  
SUPERIOR TOWNSHIP, WASHTENAW COUNTY, MICHIGAN**

E:\MASTER . . \BAAR . . \ TRA \ SUPERIOR \ 8.1 acre report Parts 1 & 2



PREPARED FOR

**SUPERIOR TOWNSHIP  
and  
WASHTENAW COUNTY CIRCUIT COURT,  
STATE OF MICHIGAN**

E Mail Delivery to [davidphillips@superior-twp.org](mailto:davidphillips@superior-twp.org)  
575 East Clark Road, Ypsilanti (Superior Township), Michigan 48198

PREPARED BY  
**Terrence Abraham, B.S., G.A.A.**  
**MICHIGAN CERTIFIED GENERAL REAL ESTATE APPRAISER**  
PROFESSIONAL NUMBER 1201001716

January 10, 2010

Mr. David Phillips  
Clerk, SUPERIOR TOWNSHIP  
E Mail [davidphillips@superior-twp.org](mailto:davidphillips@superior-twp.org)  
575 East Clark Road,  
Ypsilanti, MI 48198

RE: An 8.1 acre land parcel located in Superior Township, Washtenaw County, State of Michigan.

Dear Mr. Phillips,

At your request I have completed a real estate appraisal report on the above captioned property.

The purpose of this appraisal is to estimate the Fair Market Value of the fee simple estate in the real estate only. There is no equipment or goodwill or any improvements whatsoever to this vacant land parcel that is the subject of this report.

**This appraisal is of the estimated land size without benefit of a survey. The value is based on the extraordinary assumption that the proposed subject property is derived as a portion of a larger parcel of land as roughly outlined in a copy of the area plat which is a part of this report in the addendum section. The extraordinary assumption is that the proposed land division will be at some point completed and tax identification number or numbers will be assigned. Further, a land survey specifically identifying boundaries and completed by a duly licensed and qualified registered land surveyor may be carried out. Accordingly, the resulting value is subject to the result of a qualified land survey of the subject and its resulting legal description.**

**The date of value is January 2, 2010.**

The information contained within this appraisal is strictly confidential. No other use of this appraisal, other than the function as stated within is permitted without the prior written consent of the appraiser. No portion of this appraisal may be photocopied without the prior written consent of the appraiser.

This report is not based upon any legal description which was supplied to the appraiser. The subject area has yet to be formally separately described from the larger parcel. The actual land size is an estimate from the data as delivered to the appraiser by the client. The opinion of value contained herein is subject to the accuracy of the legal description, and the corresponding size as provided to appraiser. The Appraiser recommends that a land survey be completed to formalize any division of the subject.

This report has been made in conformity with the standards and requirements of the Uniform Standards of Professional Appraisal Practice and to those that may be in effect as a result of the appraiser's membership in professional appraisal organizations.

Based on the analysis, along with the basic assumptions and limiting conditions of the appraisal contained herein, it is my opinion that the Fair Market Value of the real estate, as of January 2, 2010 is:

**FIVE HUNDRED SIXTY TWO THOUSAND DOLLARS**  
**(\$562,000.00)**

Should you have any questions, please feel free to contact me.

Sincerely,

THE NATIONWIDE GROUP, Appraisal Section

A handwritten signature in black ink, appearing to be 'T.A.', with a horizontal line underneath it.

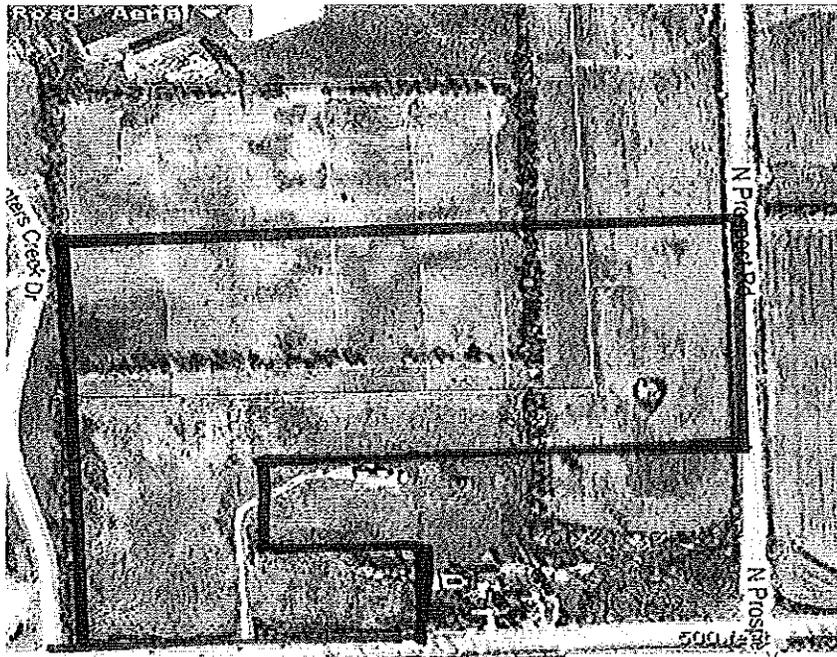
Terrence Abraham B.S., G.A.A.  
Michigan Certified General Appraiser  
License Number # 1201001716

**THE NATIONWIDE GROUP, Appraisal Section**  
2845 WEST COMMERCE @ NATIONWIDE DRIVE  
MILFORD, MICHIGAN 48380

**COMPLETE APPRAISAL  
SELF CONTAINED REPORT ON**

**VACANT PARCEL OF LAND LOCATED IN  
SUPERIOR TOWNSHIP, WASHTENAW COUNTY, MICHIGAN**

E:\MASTER .\BAAR .\ TRA \ SUPERIOR \ 40 ACRE VACANT Parts 1 & 2



PREPARED FOR

**SUPERIOR TOWNSHIP**  
and  
**WASHTENAW COUNTY CIRCUIT COURT,  
STATE OF MICHIGAN**

E Mail Delivery to [davidphillips@superior-twp.org](mailto:davidphillips@superior-twp.org)  
575 East Clark Road, Ypsilanti (Superior Township), Michigan 48198

PREPARED BY  
**Terrence Abraham, B.S., G.A.A.**  
**MICHIGAN CERTIFIED GENERAL REAL ESTATE APPRAISER**  
PROFESSIONAL NUMBER 1201001716

January 10, 2010

Mr. David Phillips  
Clerk, SUPERIOR TOWNSHIP  
E Mail [davidphillips@superior-twp.org](mailto:davidphillips@superior-twp.org)  
575 East Clark Road,  
Ypsilanti, MI 48198

RE: A 40 acre land parcel located in Superior Township, Washtenaw County, State of Michigan.

Dear Mr. Phillips,

At your request I have completed a real estate appraisal report on the above captioned property.

The purpose of this report is to provide an opinion of market value, as defined, of the entire subject property as it is defined in the report, namely 40 acres of vacant land. The market value opinion is of the land before the purchase of development rights and an additional opinion of the market value of the entire 40 acre subject property after purchase of development rights as of the established date of value.

The appraiser has recognized that in a "before and after" appraisal, the partial interest being acquired is not actually being appraised. What is appraised is the larger parcel before and after conveyance of the partial interest. (The difference being the value of the "development rights".)

There is no equipment or goodwill or any improvements whatsoever to this vacant land parcel that is the subject of this report.

**This appraisal is of the estimated land size without benefit of a survey. The value is based on the extraordinary assumption that the proposed subject property is derived as a portion of a larger parcel of land as roughly outlined**

in a copy of the area plat which is a part of this report in the addendum section. The extraordinary assumption is that the proposed land division will be at some point completed and tax identification number or numbers will be assigned. Further, a land survey specifically identifying boundaries and completed by a duly licensed and qualified registered land surveyor may be carried out. Accordingly, the resulting before and after values are subject to the result of a qualified land survey of the subject and its resulting legal description.

The date of values is January 2, 2010.

The subject property was determined to have a highest and best use in the before state for residential development uses with an interim use for agricultural use and in the after state for agricultural use

The information contained within this appraisal is strictly confidential. No other use of this appraisal, other than the function as stated within is permitted without the prior written consent of the appraiser. No portion of this appraisal may be photocopied without the prior written consent of the appraiser.

This report is not based upon any legal description which was supplied to the appraiser. The subject area has yet to be formally separately described from the larger parcel. The actual land size is an estimate from the data as delivered to the appraiser by the client. The opinion of value contained herein is subject to the accuracy of the legal description, and the corresponding size as provided to appraiser. The Appraiser recommends that a land survey be completed to formalize any division of the subject.

This report has been made in conformity with the standards and requirements of the Uniform Standards of Professional Appraisal Practice and to those that may be in effect as a result of the appraiser's membership in professional appraisal organizations.

The valuation of the subject property in the "after" state is based on the hypothetical condition that the 40 acre parcel of the subject property is encumbered by some type of either restriction of or change in ownership of

the development rights as of the date of the appraisal.

This report has been made for the purpose of estimating the before value and the after value of the subject property. After consideration of all factors, which influence the value of the above referenced property, it is my opinion that the market value as defined, as of January 2, 2009 is:

Value of the land parcel before the restriction or easement of the development rights:

**Four Hundred Eighty Five Thousand Dollars (\$485,000.00)**

Value of the land parcel after the restriction or easement of the development rights becomes active:

**Three Hundred Eighty Eight Thousand Dollars (\$388,000.00)**

The difference: **Ninety Seven Thousand Dollars (\$97,000.00)**

Should you have any questions, please feel free to contact me.

Sincerely,

THE NATIONWIDE GROUP, Appraisal Section

A handwritten signature in black ink, appearing to be 'T. Abraham', written over a horizontal line.

Terrence Abraham B.S., G.A.A.  
Michigan Certified General Appraiser  
License Number # 1201001716



Treemore Ecology and Land Services, Inc.  
Barry Lonik  
11300 Island Lake Rd.  
Dexter MI 48130-8513  
(734) 223-2321  
BLonik13@aol.com

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7 January 2010

Dave Phillips, Clerk  
Superior Charter Township  
3040 N. Prospect Rd.  
Ypsilanti MI 48198

Dear Dave:

Enclosed are three copies of the conservation easement baseline documentation report for the 40 acre Hummana/NYR82 property in Section 28—an original and a “working” copy for the Township and one for the grantor—and a compact disk of the electronic documents for it. Note that since a closing date has not been set, there are several places where a placeholder has been inserted. In addition, I have not been provided with the names of the authorized signatories for the two LLCs, so you can change those items accordingly. I will provide stickers for the baseline covers when the easement has been recorded.

In visiting the property this week, I did not see any evidence of hazardous materials. The ground was covered with snow, however, so if the Township wishes to have a greater certainty of the absence of a Recognized Environmental Condition (REC) it should contract with a firm that can produce a Phase I Environmental Site Assessment (ESA). I can provide a recommendation if necessary.

I did note two areas of interest. The house on parcel # J-10-28-400-005 has a shed and a propane tank or two that are really close to the property line, and may be over it on to the easement area. The surveyor could confirm that and I recommend it be done. Also, there is a sizable pile of wooden pallets located inside the white plastic fencing northwest of the intersection of the two treelines that meet in the middle of the property. There did not appear to be any other substances or items present, but an ESA would confirm that.

When the recorded easement has been returned from the register of deeds, I recommend making two copies and placing each in front of the divider in these three folders. The original easement and acknowledgement page, along with the original figures, should be placed in a fire safe location. It is industry standard for easements to be monitored at least once a year to ensure the terms of the agreement are being upheld, more often if authorized buildings are constructed.

*over, please*

Thanks for the opportunity to work with Superior Township on this project. Let me know if there is any other conservation project with which you could use help.

Sincerely,

Barry A. Lonik

Enclosures

**SUPERIOR TOWNSHIP BUILDING DEPARTMENT  
 MONTH-END REPORT  
 DECEMBER 2009**

Category	Estimated Cost	Permit Fee	Number of Permits
REMODEL/REPAIRS	\$17,550	\$120.00	1
DEMOLITIONS	\$208,000	\$1,036.00	1
HOSPITAL	\$422,445	\$2,001.00	1
REMODEL/REPAIRS	\$43,310	\$465.00	3
DEMOLITIONS	\$0	\$100.00	1
REMODEL/REPAIRS	\$0	\$100.00	1
ADDITIONS	\$7,574	\$120.00	1
REMODEL/REPAIRS	\$16,500	\$320.00	3
SINGLE FAMILY DWELLINGS	\$515,358	\$2,319.00	1
REMODEL/REPAIRS	\$83,000	\$373.00	1
BUSINESS/COMMERCIAL	\$40,000	\$220.00	1
ELECTRIC PERMITS	\$0	\$1,194.00	12
MECHANICAL PERMIT	\$0	\$1,180.00	9
PLUMBING PERMITS	\$0	\$660.00	5
<b>Totals</b>	<b>\$1,353,737</b>	<b>\$10,208.00</b>	<b>41</b>

	INSPECTIONS	REIMBURSEMENTS
BUILDING OFFICIAL	47	
BUILDING INSPECTOR	90	
ELECTRICAL INSPECTOR (CONTRACTOR)	36 @ \$30.00	\$1,080.00

**SUPERIOR TOWNSHIP BUILDING DEPARTMENT  
 YEAR-TO-DATE REPORT  
 2009**

Category	Estimated Cost	Permit Fee	Number of Permits
ADDITIONS	\$731,558	\$4,807.00	51
BUSINESS/COMMERCIAL	\$112,486	\$437.00	2
DEMOLITIONS	\$265,000	\$1,492.00	5
DETACHED ACCESSORY STRUCT	\$148,327	\$648.00	6
ELECTRIC PERMITS	\$0	\$13,719.00	122
HOSPITAL	\$3,315,445	\$10,980.00	5
MECHANICAL PERMIT	\$0	\$16,010.00	165
MOBILE HOMES	\$0	\$200.00	2
OTHER	\$197,622	\$2,361.00	14
PLUMBING PERMITS	\$0	\$10,296.00	122
REMODEL/REPAIRS	\$1,324,049	\$13,168.00	148
SINGLE FAMILY DWELLINGS	\$9,413,389	\$31,049.00	22
<b>Totals</b>	<b>\$15,507,876</b>	<b>\$105,167.00</b>	<b>664</b>

	INSPECTIONS	REIMBURSEMENTS
BUILDING OFFICIAL	849	
BUILDING INSPECTOR	1,300	
ELECTRICAL INSPECTOR (CONTRACTOR)	295 @ \$30.00	\$8,850.00
MECH & PLU INSPECTOR (CONTRACTOR)	4 @ \$30.00	\$ 120.00

Permit by Category with Details

Permit No.	Owner	Const. Value	Work Description	Contractor
PB09-0256	TOLL BROTHERS INC ARBOR	\$515,358	2 Story, 4 Bedroom, 4 1/2 Bath, SFD on Finished Bas	Toll Brothers Michigan Division
12/29/2009	3528 NORTHBROOKE DR		ement With Attached 3 Car Garage. All Development	
SINGLE FAMILY DWELLINGS		\$515,358	Total Permit Fees	Total Permits
			\$2,319.00	1
<b>Totals</b>		<b>\$515,358</b>		<b>\$2,319.00</b>

# 2009 Fire Department Responses December

## Structure Fires: 1

- 1.) Date of Incident: 12/26/2009  
Address of Incident: 1600 Sheffield  
Property Value \$150,000.00  
Property Loss: \$1,000.00  
Content Value: \$25,000.00  
Content Loss: \$0.00  
Cause of Fire: Faulty wiring

## Vehicle Fires: 1

- 1.) Date of Incident: 12/27/2009  
Address of Incident: 1589 Prospect  
Yr/ Make of Vehicle: 1983 Porsche 944  
Value: \$600.00  
Loss: \$600.00  
Cause of Fire: Undetermined

## Brush Fires: 1

## Trash Fires: 0

## Medical Emergencies: 51

## Personal Injury Accidents: 1

1. Geddes/Arbor Woods (12/11/09) Fatal

## Property Damage Accidents: 5

## Residential Fire Alarm: 2

## Commercial Fire Alarm: 4

## St. Joseph Mercy Hospital Alarms: 2

## Utility Emergency: 3

## Public Service Request: 2

## Good Intent: 12

## Carbon Monoxide Alarms: 1

## Mutual Aid: 5

## All Other Incidents: 0

## Total Alarms: 91

## Burn Permits: 19

## Charter Township of Superior

### Fire Department

7999 Ford Road. Ypsilanti, Michigan 48198

To: William McFarlane, Supervisor

Date: January 11, 2010

Ref: Fire Marshal Report for December 2009

12/1/09

Attended Washtenaw County mutual aid meeting  
Worked on vehicle fire investigation

12/2/09

Worked on vehicle fire investigation  
Inspected and tested sprinkler system dinning area at St Joe

12/3/09

Did fire marshal report for November 2009  
Updated inspection and preplan information in computers  
Called owner of vehicle fire  
Responded mutual aid YTFD for structure fire

12/7/09

Finished updating preplan and inspection information into computer for MOC and MH&V  
Talked with owner of vehicle fire on 11/17/09  
Worked on vehicle fire investigation

12/8/09

Worked on fire investigation report  
Log & took evidence to State police crime lab in Northville

12/9/09

Sent environmental report to Mannike and Smith Group  
Meeting with Insurance investigator about vehicle fire  
Reviewed file for Humane Society sent notice of inspection

12/14/09

Did final inspection sprinkler system fourth and fifth floor north tower at St Joe  
Meeting with Doug and Rory about shutting down 8 inch fire main to hospital

12/15/09

Did final inspection sprinkler system second and third floor north tower at St Joe  
Had meeting with Bruce from Hyundai-Kie about emergency back up power

12/16/09

Pressure and flow tested standpipe system north tower at St Joe

12/17/09

Fire standby at St Joe Hospital while 8 inch fire main is repaired  
Meeting with private investigator about vehicle fire on 11/17/09

12/21/09

Did fire code inspection at Humane Society

12/22/09 thru 12/31/09

Took Vacation

12/26/09

Investigated the cause of structure fire at 1600 Sheffield Dr

Total Inspections to date: 47

Total Fire Investigations to date: 11

Total Hours for December 2009: 83

Total hours to Date: 1697.5

Respectfully Submitted:



Wayne Dickinson, Fire Marshal  
Superior Township Fire Department

Cc. Dave Phillips, Clerk

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INTEROFFICE MEMORANDUM

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TO: BILL MCFARLANE SUPERVISOR  
FROM: RONALD SMITH CAPTAIN  
SUBJECT: HOSPITAL ALARMS  
DATE: 1/2/10

SUPERIOR TOWNSHIP FIRE DEPARTMENT FALSE ALARM RESPONSES TO SAINT JOSEPH  
HOSPITAL

FOR DECEMBER 2009

TOTAL FALSE ALARMS: 1  
1ST. ALARM: NO CHARGE  
2<sup>ND</sup> ALARM: \$50.00  
TOTAL: \$50.00

ALARM LOCATIONS:

5301 HURON RIVER DRIVE (1)  
5315 ELIOTT (1)

**Superior Township Ordinance Report**  
**December 2009 to January 2010**

**Landscape Debris-Blight**

**Ordinance 165**

Ford, Prospect/Clark, Harris  
Nottingham, Geddes, Macarthur

Signs removed

Superior Rd. South of Geddes

Large collection of dumped items. Possible owner identified from papers on the site; Referred to WCSO.

Vreeland east of 7273

Dumped construction materials. 1<sup>st</sup> letter sent.

Superior Party Store

Letter sent telling owner to clean up dumpster. Done.

8608 Nottingham

Shrub grown over sidewalk. Letter sent; No response, violation issued.

Cherry Hill at Napier

Graffiti on building. Referred to WCSO

8379 Barrington

Junk around side of house. 1<sup>st</sup> letter sent. Cleared.

8847 Nottingham

Couch left at curb. 1<sup>st</sup> letter sent; Removed.

1536 Wiard

Junk accumulated across from 1536 Wiard. WCSO issued ticket; pending

west of 990 Clark

Dumping of tires and cement. 1<sup>st</sup> letter sent to property owner. No response to date.

Berkshire at Wiltshire

Piles of stone and wood debris. Bank notified; pending

6645 Warren

Several stacks of materials in front and side yard and junk covered by tarp. Owner notified; some materials have been removed. Not remedied; violation issued.

8653 Nottingham Ct.

Broken fence facing Macarthur. Citation filed; awaiting court date

9279 Panama

Vehicle parked across drive. Referred to WCSO.

9263 Panama

Vehicle parked across drive. Referred to WCSO.

1613 Harvest

Vehicle parked across drive. Referred to WCSO .

*Miles: 287*

*Time: 39.5*

*Submitted by John Hudson, Ordinance Officer*

*Cc: Supv, Clerk, Treas, Build. Insp., WCSD*



# WASHTENAW COUNTY OFFICE OF THE SHERIFF



2201 Hogback Road ♦ Ann Arbor, Michigan 48105-9732 ♦ OFFICE (734) 971-8400 ♦ FAX (734) 973-4624 ♦ EMAIL [sheriff@ewashtenaw.org](mailto:sheriff@ewashtenaw.org)

JERRY L. CLAYTON  
SHERIFF

MARK A. PTASZEK  
UNDERSHERIFF

January 13<sup>th</sup>, 2009

Supervisor William McFarlane  
Superior Charter Township  
3040 N. Prospect Rd  
Ypsilanti, MI 48198

Mr. McFarlane,

The following data summarizes the law enforcement activities in Superior Township during the month of December 2009 and the year of 2009. Included you will find a breakdown of time spent in Superior Township, a Law Enforcement Activity Report, a summary of Highlighted Calls for Service, a Deputy Activity Summary, and a Summary of Citations issued in Superior Township.

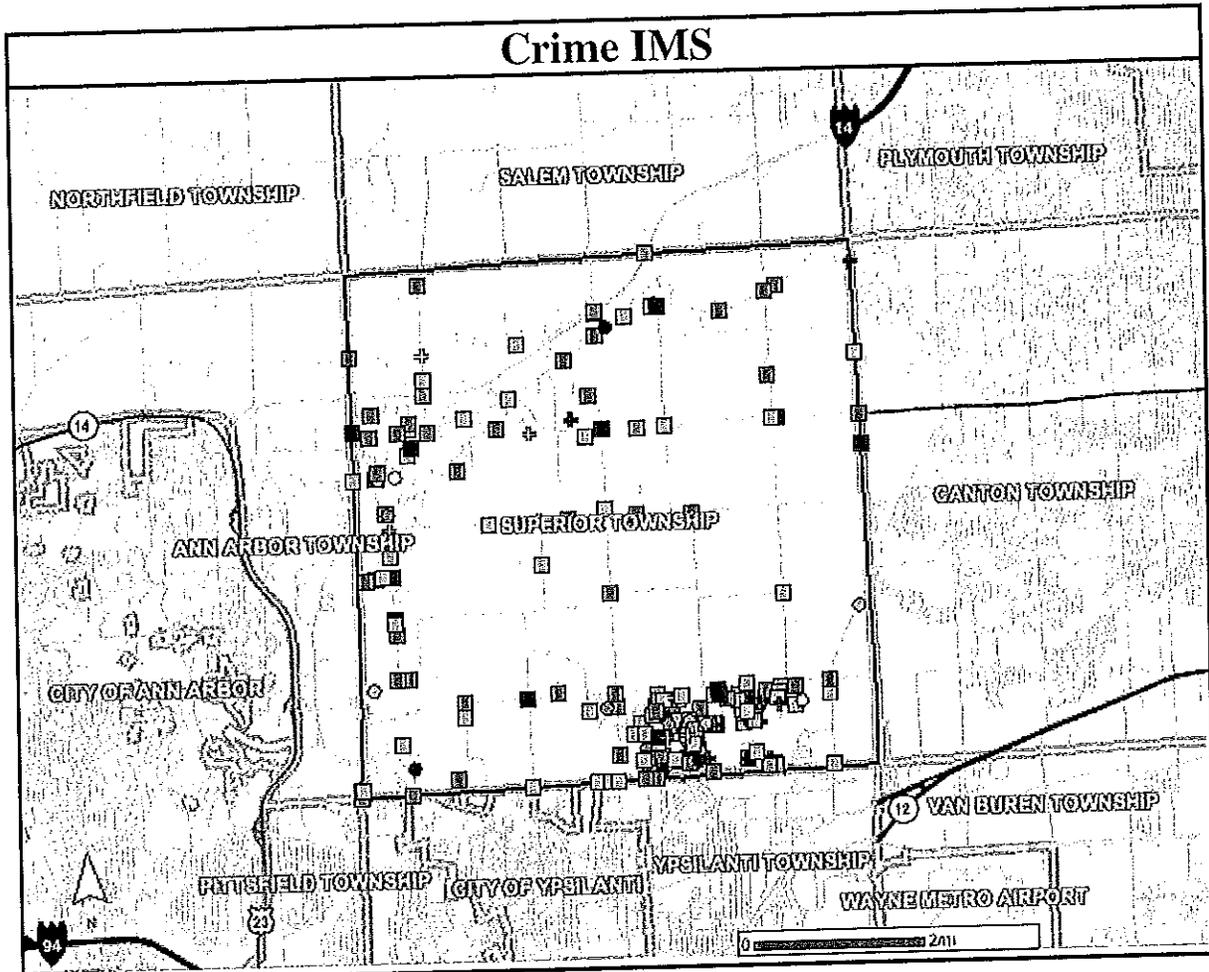
Attached please find the Superior Township Alarm breakdown for the month of December which has already been forwarded to your billing department.

The total balance of hours as distributed between Superior and Ann Arbor Townships as currently represented is out of balance (75% - 25%) as you can see compared to the normal 69% - 31% relationship we seek to maintain. I believe that the means normally utilized to compile this data has created the imbalance as a result of hours accumulated in Superior Township by Deputies working on the MacArthur Blvd detail. I will be recompiling the data manually and present you with the outcome at the earliest possible moment.

Please review and accept the remainder of this report at your next Board Meeting. If you have any questions or require any additional information please contact me personally and I will supply you the necessary information.

Sincerely,

Sergeant P. Cook  
Station #6



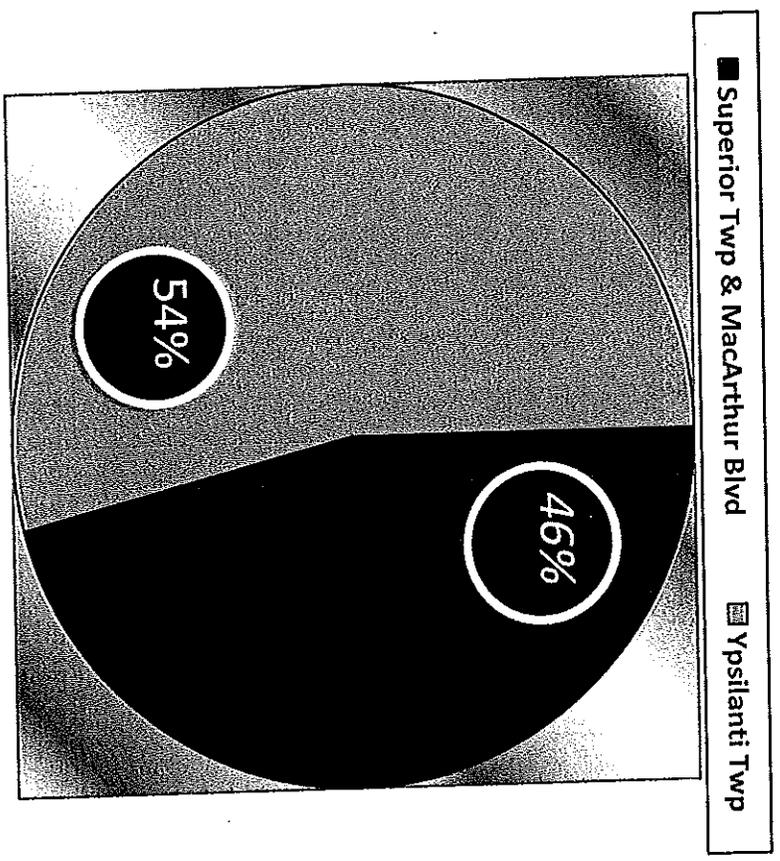
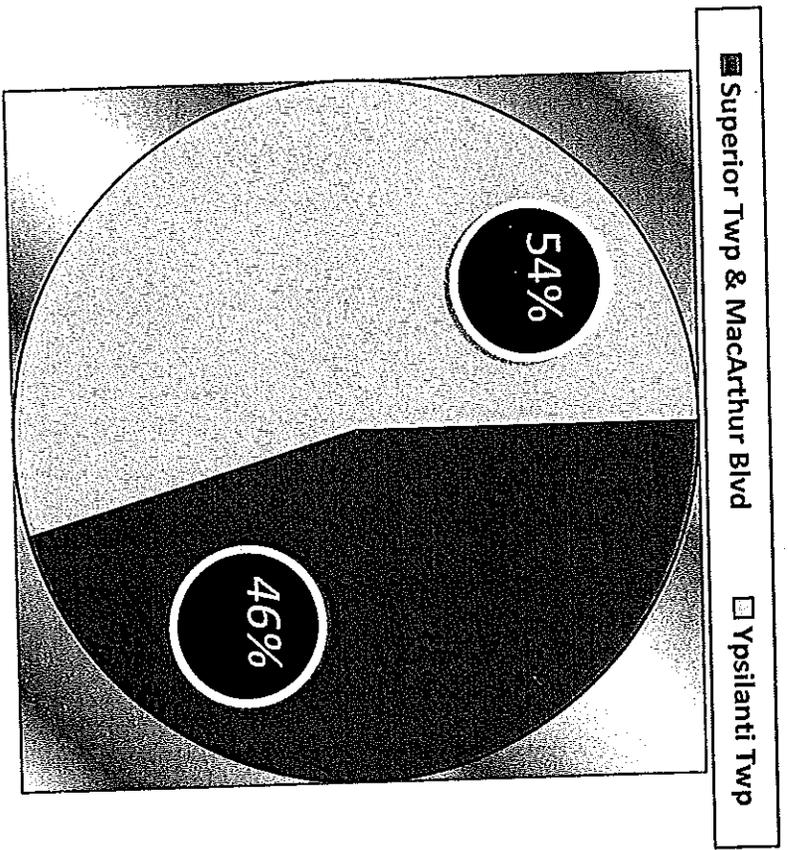
Incident Data		Legend		
● Part-A Group 100	○ Part-A Group 1770	■ Part-C Group 3100	☆ Part-D Group 4900	☆ Part-E Group 5000
● Part-A Group 200	● Part-A Group 1800	■ Part-C Group 3200	▲ Part-E Group 5000	▲ Part-E Group 5100
● Part-A Group 300	● Part-A Group 1900	■ Part-C Group 3300	▲ Other	▲ Railroad
● Part-A Group 350	● Part-A Group 1900	■ Part-C Group 3400	▲ Railroad	▲ Highway and Freeway
● Part-A Group 400	● Part-B Group 1150	■ Part-C Group 3500	▲ Interstate	▲ IN
● Part-A Group 500	● Part-B Group 1750	■ Part-C Group 3600	▲ US Highways	▲ State Highways
● Part-A Group 600	● Part-B Group 2000	■ Part-C Group 3700	▲ CLEMIS Roads	▲ Municipal Boundary
● Part-A Group 700	● Part-B Group 2100	■ Part-C Group 3800	▲ Recreation Land	▲ Schools
● Part-A Group 800	● Part-B Group 2200	■ Part-C Group 3900	▲ Private Recreation Land	▲ Public Recreation Land
● Part-A Group 900	● Part-B Group 2300	■ Part-C Group 9700		
● Part-A Group 1000	● Part-B Group 2400	☆ Part-D Group 4000		
● Part-A Group 1100	● Part-B Group 2500	☆ Part-D Group 4100		
● Part-A Group 1200	● Part-B Group 2600	☆ Part-D Group 4200		
● Part-A Group 1300	● Part-B Group 2700	☆ Part-D Group 4300		
● Part-A Group 1400	● Part-B Group 2850	☆ Part-D Group 4400		
● Part-A Group 1500	● Part-B Group 2900	☆ Part-D Group 4500		
● Part-A Group 1600	□ Part-C Group 2800	☆ Part-D Group 4600		
● Part-A Group 1800	■ Part-C Group 2950	☆ Part-D Group 4700		
● Part-A Group 1700	■ Part-C Group 3000	☆ Part-D Group 4800		

**CLEMIS**

Disclaimer: The information provided in this system has been compiled from recorded deeds, plats, tax maps, surveys and other public records and data. It is not a legally recorded map or survey and is not intended to be used as one. Users of this data are hereby notified that the information sources mentioned above should be consulted for verification of the information.

Map Printed on: 1/4/2010

# Superior / Ypsilanti Twp Collaboration



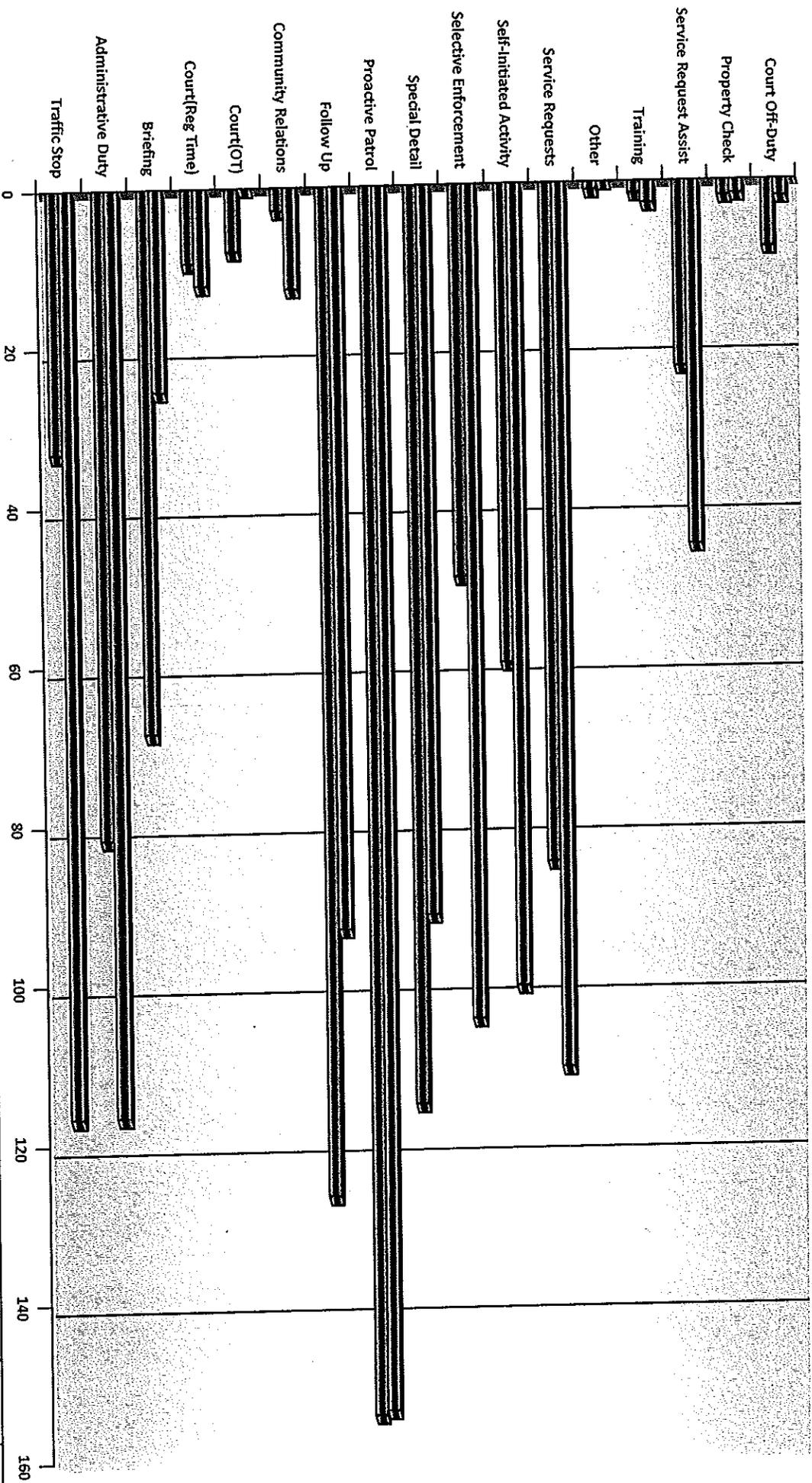
## Total Time

Superior Twp & MacArthur Blvd Total time =  
 49,880 Minutes / 831hr 20min  
 Ypsilanti Twp Total Time =  
 59,495 minutes / 991hr 35min

## Total Time wo/Administrative Duty

Superior Twp & MacArthur Blvd Total time =  
 44975 Minutes / 749hr 35min  
 Ypsilanti Twp Total Time =  
 52,500 minutes / 875hr

# Superior & Ypsilanti Twp Collaboration Activity Log Summary Year to Date (2009)



	Traffic Stop	Administrati ve Duty	Briefing	Court(Reg Time)	Court(OT)	Community Relations	Follow Up	Proactive Patrol	Special Detail	Selective Enforcemen t	Self-Initiated Activity	Service Requests	Other	Training	Service Request Assist	Property Check	Court Off- Duty
Ypsilanti Twp	116.67	116.58	25.5	12.25	0	12.83	93.33	153.92	91.67	104.83	100.75	111.08	0	2.75	45.67	1.67	2.08
Superior Twp	33.17	81.75	68.5	9.42	8	2.92	126.83	154.5	115.42	49.33	60.17	85.25	1	1.5	23.33	1.92	8.5

# Activity Log Summary (Hours)

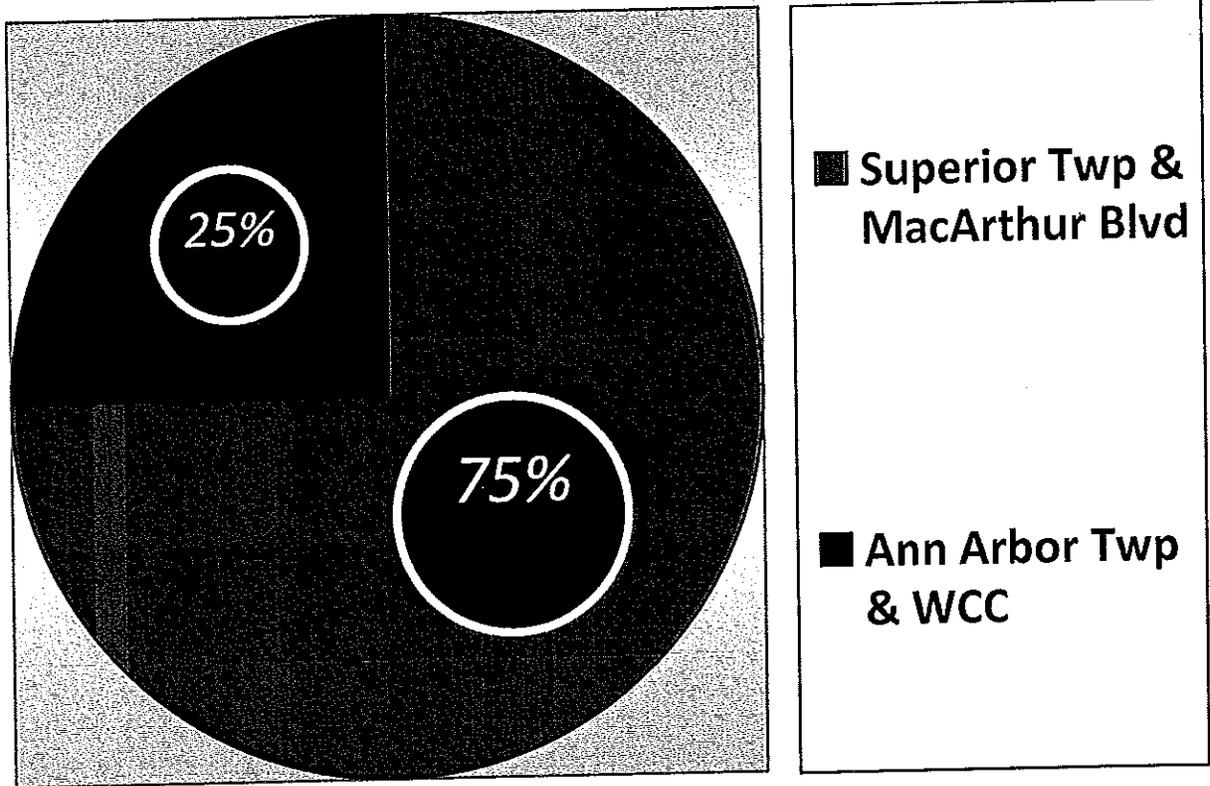
## Year to Date (2009)



Activity Category	Ann Arbor Twp & WCC	Superior Twp & Mac Blvd
Traffic Stop	524.87	1167.7
Administrative Duty	362.07	296.62
Briefing	560.3	75.75
Court(Reg Time)	35.58	10.75
Court(OT)	10.75	134.17
Community Relations	140.22	623.37
Follow Up	1790.72	4.67
Out of Service	23.25	1374.08
Proactive Patrol	2637.1	0.33
Special Contact	0	31.67
Special Detail	191.32	359.3
Selective Enforcement	1593.17	75.45
Self-Initiated Activity	408.98	724.47
Service Requests	2876.53	48.92
Training	71.5	9.83
Other	24.42	43.77
Service Request Assist	478.88	109.12
Property Check	272.98	4
Court Off-Duty	219.25	

(12/2009)

January – December 2009



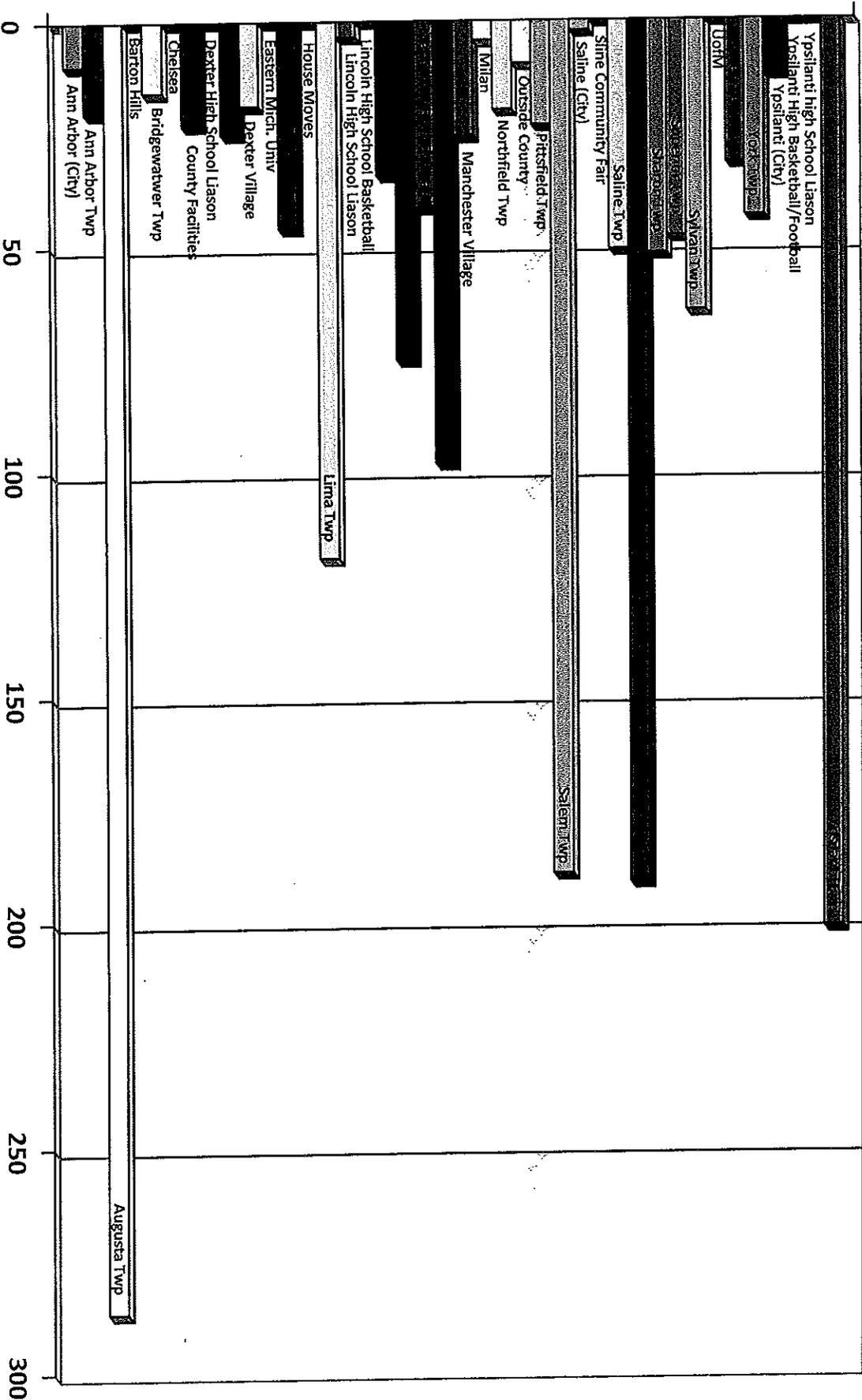
Superior Twp & MacArthur Blvd Total time =  
888,326 Minutes / 14,805hr 26min

Ann Arbor Twp & WCC Total Time =  
297,095 Minutes / 4,951hr 35min

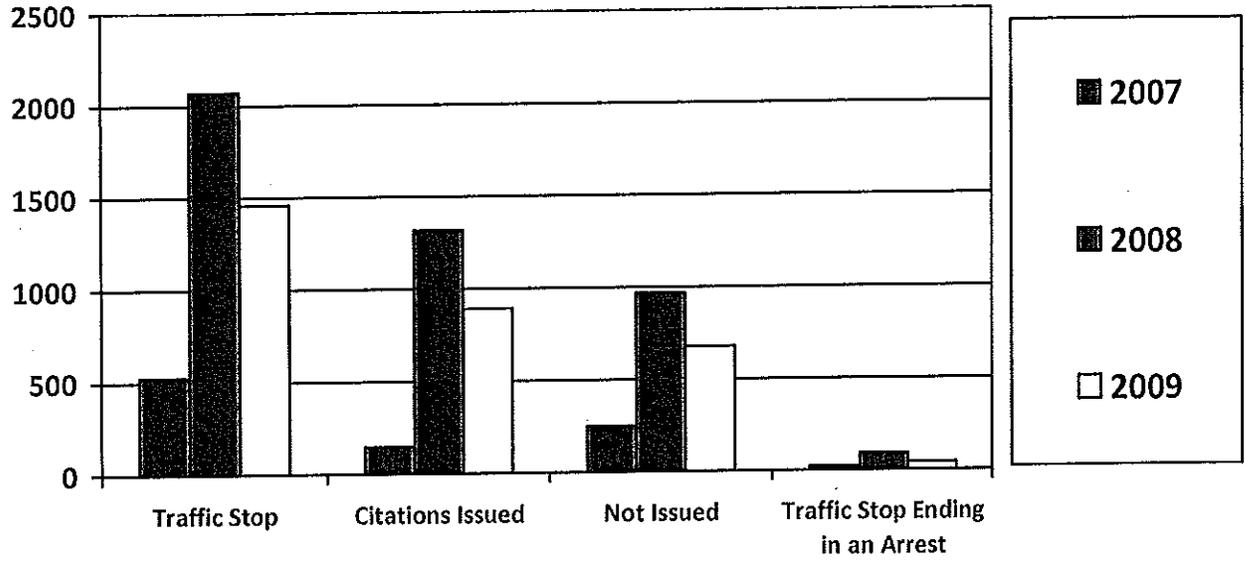


2009

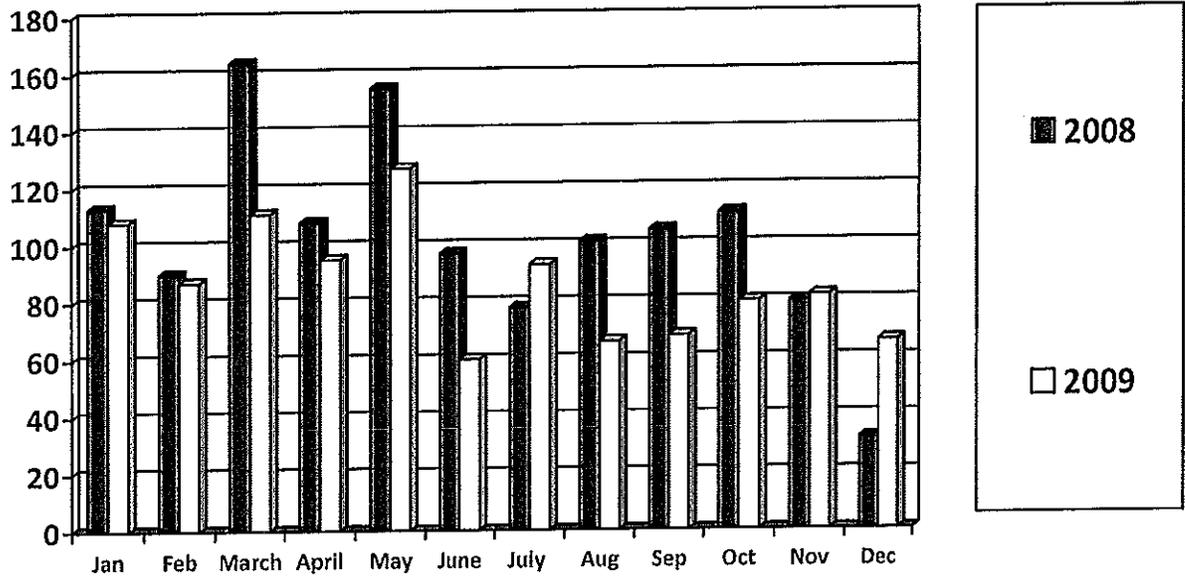
**General Fund Patrol  
January – December 2009  
(Service Request/Service Request Assist Hours)**



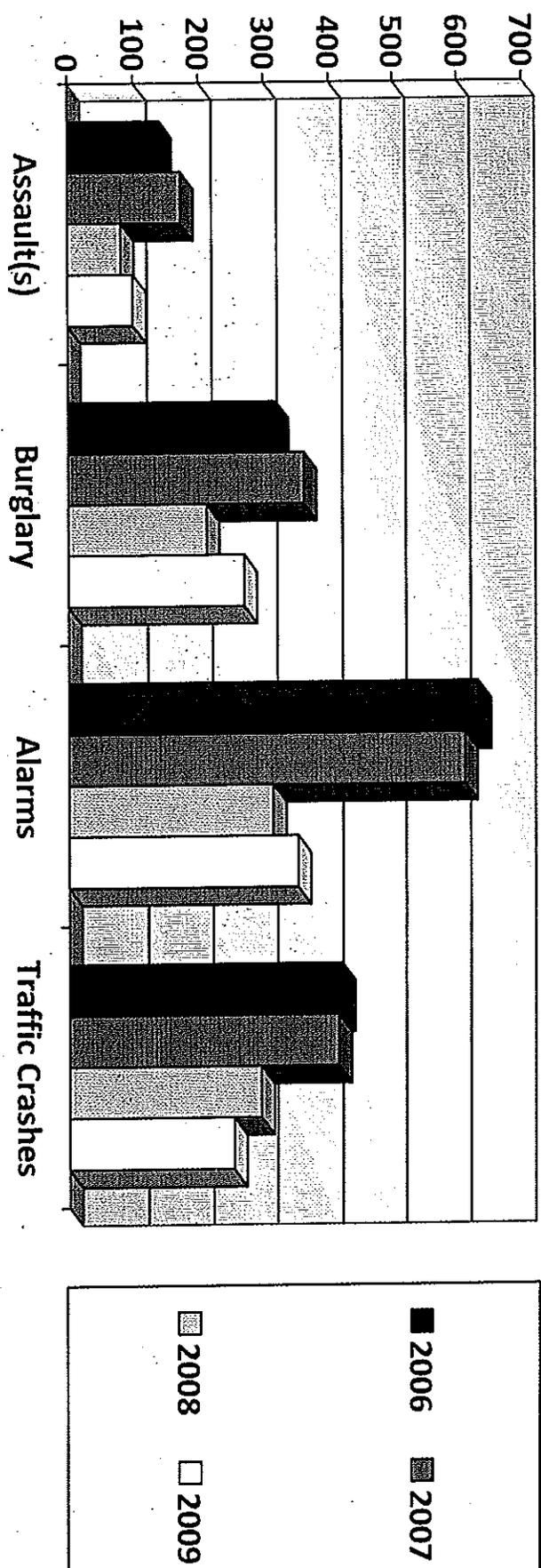
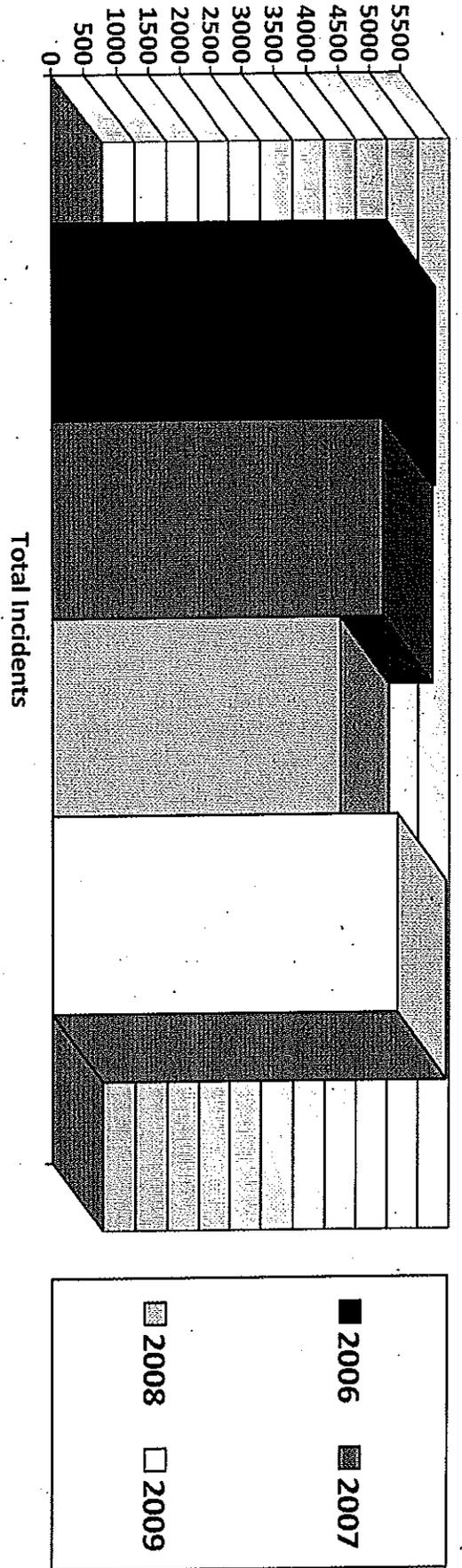
## Superior Twp



## Citations by Month



# Superior Township Four Year Activity Report



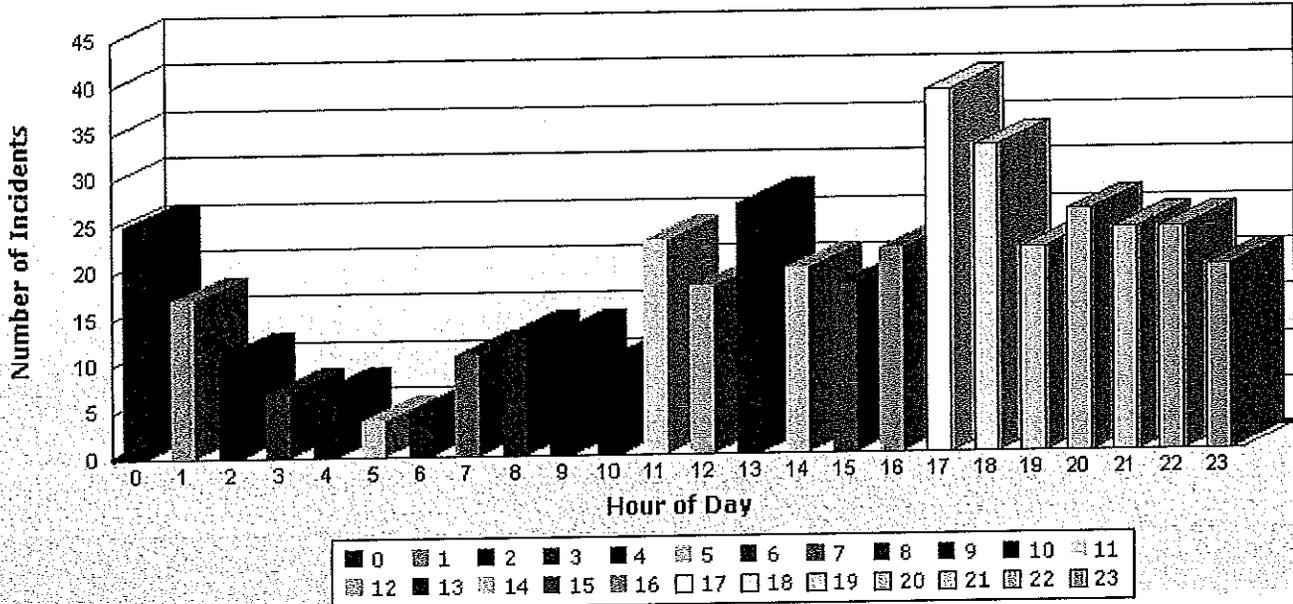
## Number of Incidents by Time

### Report Description

Timeframe : From 2009-12-01 00:00:00 To 2009-12-31 23:59:00

Location : MunicipalArea | SUPERIOR TOWNSHIP

User Comments : N/A



Hour of Day	Count
0:00	25
1:00	17
2:00	11
3:00	7
4:00	7
5:00	4
6:00	5
7:00	11
8:00	13
9:00	13
10:00	10
11:00	23
12:00	18
13:00	27
14:00	20
15:00	18
16:00	22
17:00	39
18:00	33
19:00	22
20:00	26
21:00	24
22:00	24
23:00	20
<b>Total</b>	<b>439</b>

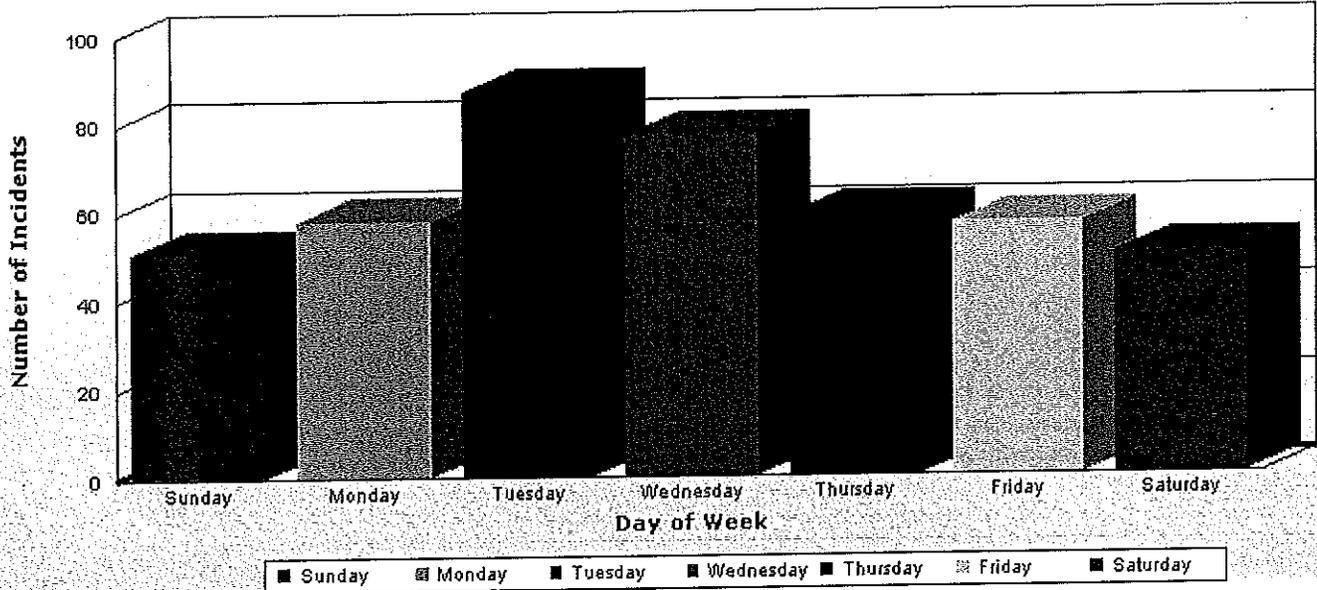
## Number of Incidents by Day

**Report Description**

Timeframe : From 2009-12-01 00:00:00 To 2009-12-31 23:59:00

Location : MunicipalArea | SUPERIOR TOWNSHIP

User Comments : N/A



Day of Week	Count
Sunday	51
Monday	58
Tuesday	87
Wednesday	77
Thursday	59
Friday	57
Saturday	50
<b>Total</b>	<b>439</b>

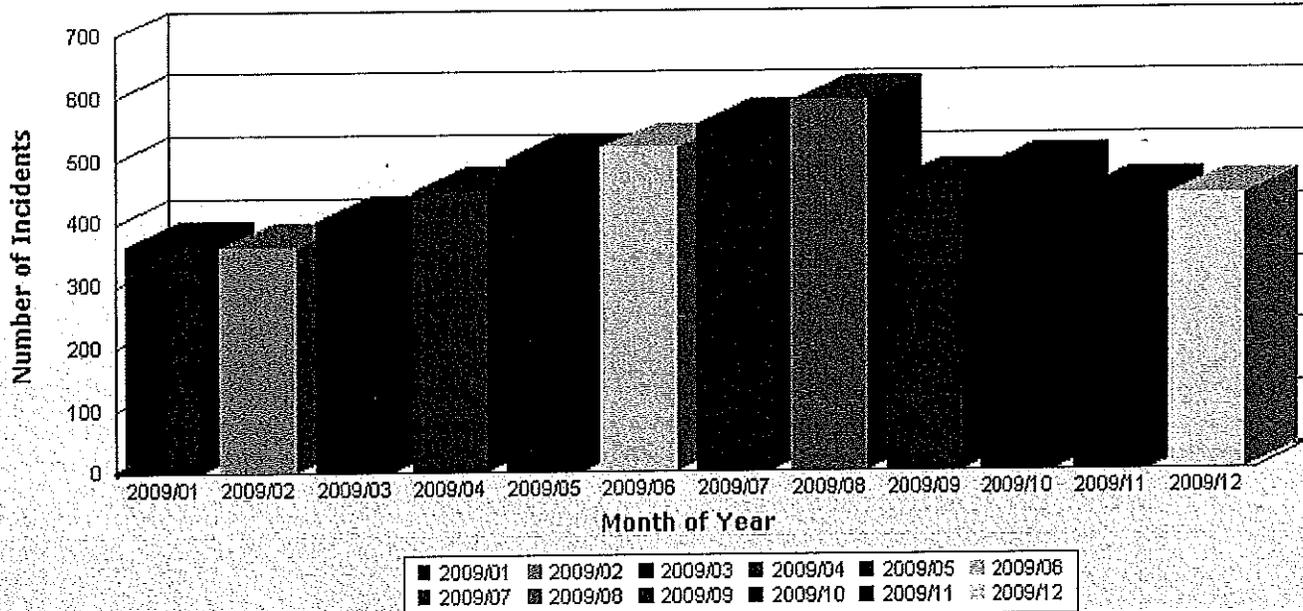
## Number of Incidents by Month

**Report Description**

Timeframe : From 2009-01-01 00:00:00 To 2009-12-31 23:59:00

Location : MunicipalArea | SUPERIOR TOWNSHIP

User Comments : N/A



Month of Year	Count
January, 2009	363
February, 2009	361
March, 2009	402
April, 2009	449
May, 2009	501
June, 2009	517
July, 2009	556
August, 2009	592
September, 2009	457
October, 2009	481
November, 2009	442
December, 2009	439
<b>Total</b>	<b>5,560</b>



# WASHTENAW COUNTY OFFICE OF THE SHERIFF



2201 Hogback Road ♦ Ann Arbor, Michigan 48105-9732 ♦ OFFICE (734) 971-8400 ♦ FAX (734) 971-9248 ♦ EMAIL [sheriff@co.washtenaw.mi.us](mailto:sheriff@co.washtenaw.mi.us)

JERRY L. CLAYTON  
SHERIFF

MARK A. PTASZEK  
UNDERSHERIFF

## SUPERIOR TOWNSHIP HIGHLIGHTED CALLS FOR SERVICE DECEMBER 2009

### ASSAULT & BATTERY /DOMESTIC

Macarthur Blvd & Stamford Dr  
1500 block of Ridge Rd  
1600 block of Stephens Dr  
8400 block of Berkshire Dr  
8600 block of Macarthur Blvd  
9100 block of Macarthur Blvd  
Stamford Rd & Macarthur Blvd  
1500 block of Ridge Rd  
8600 block of Cedar Ct  
8400 block of Berkshire Dr  
8600 block of Nottingham Ct  
8900 block of Bristol Ct  
5300 block of E. Huron River Dr  
1500 block of Ridge Rd  
1500 block of Ridge Rd  
8800 block of Macarthur Blvd  
1700 block of Dover Ct  
9000 block of Macarthur Blvd  
8900 block of Nottingham Dr  
8900 block of Nottingham Dr  
4100 block of Mario Ct

### FELONIOUS ASSAULT

None

### BURGLARY

8800 block of Macarthur Blvd  
8200 block of S. Warwick Ct  
1300 block of N. Stamford Rd  
9300 block of Macarthur Blvd  
2000 block of Valleyview Dr  
2400 block of Ridge Rd  
8700 block of Macarthur Blvd  
8800 block of Macarthur Blvd

### LARCENY

4200 block of Fleming Way  
6800 block of Cherry Hill Rd

3100 block of Cherry Hill Rd  
1000 block of Stamford Rd

LARCENY FROM AUTO

8300 block of Lakeview Ct  
8500 block of Barrington Dr  
7900 block of Hallie Dr

UDAA

9000 block of Macarthur Blvd  
1800 block of Knollwood Bnd  
8900 block of Macarthur Blvd

FRAUD

None

DRUG/POSSESSION

None

**\*OTHER NOTABLE CALLS FOR THE MONTH**

MDOP 5

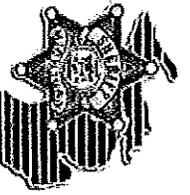
FAMILY TROUBLE 21

DISORDERLY 26

SUSPICIOUS INCIDENTS 42

TRAFFIC CRASH 33

PUBLIC NUISANCE 5



# Washenaw County Sheriff's Activity Log

Individual Deputy Statistical Report

01/04/2010 9:24:36AM

Assignment Area: Superior Twp/Ann Arbor Twp  
 Date Range: 12/1/2009 - 12/31/2009

Deputy Name	Shifts	Service Requests	Traffic Stops	Reports Written	UD-10's	SR & TS Endlag In Arrest	Misdemeanor Arrest (SD)	Felony Arrest (SD)	Self In Related Warrant Arrest	Warrant Arrest / Pick Ups	Misdemeanor Citations	Civil Infractions	Parking Citations	ODL Arrests
1695 ARTS, JOSHUA A	18	29	21	10	2	3	6				3	9		
628 BALL, CHARLES ALEXANDRO	1	1												
1094 BALLOU, DOUGLAS R	21	56	10	33	7		4		2		1	12		
448 BLACKWELL, RONNIE DALE	20	38		14	2		2							1
792 BOURDEAU, KATRINA ANNE	1	2			1									
754 CAREK, JEFFREY D	1	1												
342 COGGINS, WILLIAM THOMAS	6	13	3	7									2	
1775 FARMER, HOLLY C	21	68	12	23			1						2	
140 GRIM, EDWARD ALLAN	1	5												
1654 GYNNES, THOMAS V	1	1	3											
353 HOWELL, BRIAN LEE	10	16		11	1									
1185 HUNT, CHARLES ALAN	14	29	16	7	2	1	1	1	1		3	10		1
1786 KRINGS, NICHOLAS J	3		1											
746 MERCURE, THOMAS DELAND	13	39		7	4									
131 MESKO, MARK DOUGLAS	4	7		2										
1360 REICH, DEAN A	1	1												
952 REX, BRIAN ANDREWS	1	3			1									
1137 RISHA, MATTHEW	16	27	11	5	1		1					6		
1530 RUSH, HORACE E	2													
1140 SAYDAK, SHARON ANN	11	32	2	3	2		1					1		
1780 SMITH, JESSE N	2	3												
1805 TEETS, CHAD M	2													

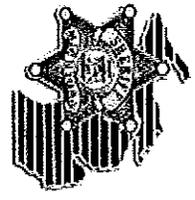
1788 VANTUYL, MARK A	21	55	13	13	1	2	6
1123 WALLACE, SAMUEL D	1						
974 WILKINSON, DAVID RONALD	11	23	8	6		4	3
1693 WILLIAMS, SCOTT W	1						
Grand Total:	204	449	100	142	22	5	16

p\_al\_grid\_2.rpt

Page 2 of 2

1/4/2010 9:24:36AM

\*\*\*\*\* End of Individual Deputy Statistical Report \*\*\*\*\*



### Washatenaw County Sheriff's Activity Log

Individual Deputy Join Statistical Report

01/04/2010 9:24:36AM

Assignment Area: Superior Twp/Ann Arbor Twp  
 Date Range: 12/1/2009 - 12/31/2009

Deputy Name	Shifts w Partner	Service Requests	Traffic Stops	Reports Written	UD-10's	SR & IS Ending In Arrest	Misdemeanor Arrest (SD)	Felony Arrest (SD)	Self Initiated Warrant Arrests	Warrant Meets / Pick Ups	Misdemeanor Citations	Civil Infractions	Parking Citations	OUIL Arrests
1695 ARTS, JOSHUA A	9	28	16	5	2									
1775 FARMER, HOLLY C	1	6		2										
1185 HUNT, CHARLES ALAN	14	36	19	11	1						2	5		
1137 RISHA, MATTHEW	5	8	6		1						1	3		
974 WILKINSON, DAVID RONALD	6	16	6	6								4		
Grand Total:	36	94	47	24	0	4	0	0	0	0	3	21	0	0

p\_al\_grid\_join.rpt

Page 1 of 1

1/4/2010 9:24:36AM

\*\*\*\*\* End of Individual Deputy Join Statistical Report \*\*\*\*\*

Superior Twp Alarm Report  
December 2009

CALL DATE	CALL FOR SERVICE #	INCIDENT TYPE	DISPOSITION TYPE	STREET ADDRESS
12/4/2009	09-57316	B&E Alarm	Secured / No Report	1723 Savannah Ln
12/6/2009	09-57604	B&E Alarm	Cancelled by Alarm Com./ No Contact made	3517 Rolling Hills Ct
12/7/2009	09-57775	B&E Alarm	Cancelled by Alarm Com./ No Contact made	3632 Creekside Dr
12/8/2009	09-57869	B&E Alarm	Cancelled by Alarm Com./ No Contact made	8474 Preston Ct
12/9/2009	09-58122	B&E Alarm	Secured / No Report	3315 Woodhill Blvd
12/9/2009	09-58136	B&E Alarm	Cancelled by Alarm Com./ No Contact made	1527 Harvest Ln
12/10/2009	09-58320	B&E Alarm	Secured / No Report	5261 Red Fox Run
12/10/2009	09-58369	B&E Alarm	Secured / No Report	5626 Geddes Rd
12/11/2009	09-58488	B&E Alarm	Secured / No Report	5065 Red Fox Run
12/11/2009	09-58538	B&E Alarm	Cancelled by Alarm Com./ No Contact made	1273 Stamford Ct
12/11/2009	09-58556	B&E Alarm	Secured / No Report	1577 Sheffield Dr
12/12/2009	09-58614	B&E Alarm	Secured / No Report	8795 Macarthur Blvd
12/12/2009	09-58642	B&E Alarm	Secured / No Report	8380 Glendale Dr
12/13/2009	09-58859	B&E Alarm	Accidentally Set Off/Made Contact w/ Homeowner.	1879 Wexford Blvd
12/15/2009	09-59107	B&E Alarm	Secured / No Report	7644 Plymouth Rd
12/16/2009	09-59252	B&E Alarm	Secured / No Report	1644 Greenway Dr
12/16/2009	09-59326	B&E Alarm	Cancelled by Alarm Com./ No Contact made	5562 Spring Hill Dr
12/17/2009	09-59395	B&E Alarm	Secured / No Report	1950 Andover Dr
12/18/2009	09-59510	B&E Alarm	Accidentally Set Off/Made Contact w/ Homeowner.	10117 E. Avondale Cir.
12/18/2009	09-59535	B&E Alarm	Cancelled by Alarm Com./ No Contact made	6130 First St
12/18/2009	09-59607	B&E Alarm	Cancelled by Alarm Com./ No Contact made	3648 N. Prospect Rd
12/19/2009	09-59734	B&E Alarm	Cancelled by Alarm Com./ No Contact made	10119 E. Avondale Cir
12/20/2009	09-59981	B&E Alarm	Accidentally Set Off/Made Contact w/ Homeowner.	4763 Vorhies Rd
12/21/2009	09-60018	B&E Alarm	Cancelled by Alarm Com./ No Contact made	3648 N. Prospect Rd
12/25/2009	09-60589	B&E Alarm	Secured / No Report	1814 Knollwood Bnd
12/25/2009	09-60614	B&E Alarm	Secured / No Report	855 E. Clark Rd
12/26/2009	09-60746	B&E Alarm	Cancelled by Alarm Com./ No Contact made	7570 Cherry Hill Rd
12/27/2009	09-60876	B&E Alarm	Secured / No Report	2380 Gale Rd
12/27/2009	09-60889	B&E Alarm	Secured / No Report	9116 Panama Ave
12/27/2009	09-60938	B&E Alarm	Secured / No Report	1660 Devon St
12/27/2009	09-60942	B&E Alarm	Secured / No Report	10101 W. Plymouth Rd
12/28/2009	09-60991	B&E Alarm	Secured / No Report	10101 W. Plymouth Rd
12/28/2009	09-60998	B&E Alarm	Secured / No Report	8498 Berkshire Dr

Superior Twp Alarm Report

December 2009

12/29/2009	09-61160	B&E Alarm	Secured / No Report	3540 Dixboro Ln.
12/30/2009	09-61338	B&E Alarm	Cancelled by Alarm Com./ No Contact made	2015 Paddock Way
12/30/2009	09-61362	B&E Alarm	Secured / No Report	5065 Red Fox Run
12/13/2009	09-58769	Panic Alarm	Cancelled by Alarm Com./ No Contact made	8552 Windsor Ct
12/22/2009	09-60163	Panic Alarm	Accidentally Set Off/Made Contact w/ Homeowner.	1950 Andover Dr
12/28/2009	09-61005	Panic Alarm	Cancelled by Alarm Com./ No Contact made	8400 Cherry Hill Rd

# MEMORANDUM

**To:** Superior Township Board  
**From:** Rick Church  
**Date:** January 15, 2010  
**Re:** Utility Department Monthly Report

- Utility Department personnel have been working closely with contractors on the Superior 2<sup>nd</sup> Connection to YCUA (YT-03) Upgrade Project. The purpose of the project is to improve the performance and reliability of the connection. Work should be completed and the connection back on line by the end of the month.
- Utility Department personnel responded to a malfunction alarm at the Fairfax Manor sanitary sewer lift station. They removed and cleaned debris from the pump impellers at the wet well. Pump efficiency had dropped, causing run times to increase without pumping down the wet well levels. The pumps were placed back in service and the surcharging of the sanitary system at that site was avoided.
- Department personnel have been working with Parhelion Technologies, Inc. to develop an additional module for our Computerized Maintenance Management/Work Order System. This new module would assist us in planning and tracking our sanitary sewer maintenance. A proposal will be forthcoming for consideration by the Township Board.
- In order to remain in compliance with the Michigan Department of Environmental Quality (MDEQ) reporting requirements for the Township's Cross Connection Control Program, Utility Department Personnel have been working to update our notification/reporting records.
- Using the Department's vactor truck, Utility Department personnel excavated a broken water shut-off valve at 1099 Stamford Road in order to repair it. Permanent restoration of the excavated area will be done in the spring.
- Meetings/discussions continue regarding resolution of roof issues at our Utility Department Maintenance Facility. Meetings involving J.L. Judge (the contractor), Canton Construction (a sub-contractor), Rush Construction (a sub-contractor), our legal counsel and I are ongoing. We are hoping to come to an agreement without seeking court action.

PRESENTED AT THE TOWNSHIP BOARD MEETING  
DECEMBER 21, 2009

Early in 1998 my wife and I purchased property in Superior Township. We were attracted to the Township because of its positioning as the "farmland near the city" and its history of seeking to maintain its rural roots through controlled development by way of its Growth Management Plan and its Zoning Ordinance. From our very first meeting with then Township Clerk the late Colleen O' Neal through our meetings with the Township Planning consultant to our required appearances before the Planning Commission and the Township Board, we recognized a firm commitment on the part of Township officials at every level to the concept that things should happen in a manner that openly conveyed to the citizens of Superior Township, and to the general public, that things would be done in the right way, the required way. By doing so, the Township would be able to preserve property worthy of preservation and allow only development that was subject to, and consistent with, the requirements of the Growth Management Plan, all its amendments and re-configurations, and the strictures of the Zoning Ordinances as the implementing vehicle of that Plan. We come before you tonight to address an issue that appears to be in contradiction to these commonly perceived and stated commitments of the Township.

Two weeks ago, Hummana LLC and NYR 82 leased out the stable and riding arena located directly to the south of our property to a local individual. Under the current Zoning Ordinance, it appears that this would constitute a public or commercial boarding facility pursuant to Section 5.108 of the Ordinance and, as such, is a conditional use that can be granted under the current A-2 zoning. For the property owner to have such a conditional use, however, they must make application with the Township, submit a site plan, there must be a public hearing before the Planning Commission, and final approval given by the Board. Section 11.01 of the Zoning Ordinance speaks to the importance of Conditional Uses, stating in part:

"Such conditional uses are appropriate and not essentially incompatible with the uses permitted by right in a zoning district, but not at every or any location therein, or without restrictions or conditions being imposed by reason of special problems or issues presented by the use or its particular location in relation to neighboring properties. This Article is intended to provide a consistent and uniform method for review of Conditional Use Permit applications, ensure full compliance with the standards contained in this Ordinance, achieve efficient use of land, prevent adverse impacts on neighboring properties and districts, and facilitate development in accordance with the objectives of the Growth Management Plan."

Section 11.02 then states:

"This Ordinance, therefore, requires approval of a Conditional Use Permit for every use listed in the several zoning districts as conditional uses. This Article specifies the procedures and standards to be followed in granting such permits. If the Conditional Use Permit application is in compliance with all applicable procedures and standards of this Article and Ordinance, the right to a Conditional Use Permit shall exist, subject to such conditions as may be imposed. No conditional use shall commence until a Conditional Use Permit is issued in accordance with this Article."

A Conditional Use was originally granted on the parent parcel for this property on June 24, 1998. That Conditional Use Permit, as the Township Planning Consultant told me last Wednesday evening, was for a PRIVATE boarding facility. Remember that, because the Zoning Ordinance and its Land Use Table have changed over the years.

A Conditional Use runs with the parcel that is subject to the conditions. By the terms of the Zoning Ordinance, Section 11.06(C):

"An approved Conditional Use Permit, including all attached conditions, shall run with the **parcel in the approval** and shall remain unchanged except upon mutual consent of the Planning Commission and the landowner.

1. A public hearing **shall** be held on any proposed changes as required for an original application.
2. Any such approved changes shall be entered into Township records and recorded in the minutes of the Planning Commission meeting at which the action occurred."

A couple of pertinent points relating to the current situation.

The Zoning Ordinance, as modified, has created a new classification of riding stable, that being a public or commercial stable, which is a NEW and DIFFERENT conditional use subject to the permit process. This is different from the original Conditional Use granted for a private stable in 1998 because that permit required that the owner or operator have their RESIDENCE located on the property. The current Zoning Ordinance also exempts a private stable, one where the owner resides on the property from the requirements of a conditional use, making it a permitted use in the current A-2 zoning.

The current commercial operation, entered into and maintained without any public hearing, is different in scope, intent, and physical use of the subject property from the 1998 Conditional Use, and cannot be made to conform to that use. The original property has gone through two changes in ownership and has had three metes and bounds parcel splits. It is also subject to a private road easement, to the benefit of a property owner on Geddes. Until two weeks ago, there was no driveway from Geddes to the commercial site, but now there is a gravel drive and no commercial parking lot. It is unknown how many horses are currently on the property, or how many might be allowed. There is no plan for the management of manure and other by-products. There are two septic fields on the Hummana property, including one for our residence, and it is unknown if there has been an inspection of the sites pursuant to the County Time of Transfer Program. Power is provided through a generator, whose hum is like "white noise" several hours a day.

Allowing this operation to be instituted without meeting the requirements of the Zoning Ordinance and the Growth Management Plan has contributed to a diminution of value to the surrounding property owners, and portends problems for the future, all without immediate recourse except lawsuits, since it all has been allowed outside the normal planning process. The driveway is specifically problematic. It is an extension of an easement for a public road that is subservient to the property of the neighbors along Geddes Road. There never was a ½ mile driveway intended at the creation of the easement, and certainly not one for a commercial purpose. The driveway is also aligned

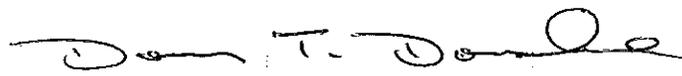
in such a way that lights from any vehicle accessing the commercial stable site shine continuously and directly into our residence. There is no shielding of the lights once they have reached the site and drivers park wherever they may see fit, a fact that also creates a dangerous situation for the handling of animals on the neighboring property. The driveway also cuts across areas of drainage onto neighboring properties, and is bound to affect the shedding of water onto those areas. The handling of this water table, one at the top of the Huron watershed, can have an immediate effect on all the surrounding properties, including in Hunter's Creek and the three neighboring properties along Geddes.

The septic field issue is also problematic, as the County required Hummana to secure the septic fields so that horses could not access them, either purposely or accidentally. They were supposed to have completed this in 2006, but have yet to do so. It is unknown if any provision has been made in this regard.

Horse manure has begun to be piled along the southern property line of our property and it does not appear that there is any plan in place to ensure compliance with the best practices set forth for the State of Michigan. This is an individual equine health issue because different parasites can grow in manure piles. The way the piles are currently configured, seepage will move from the Hummana property onto our property, into and across one of our fields, and have potential contact with our animals. This can be a health issue between two different "herds" of horses, which you now have.

All of these issues could have been addressed and resolved through the appropriate use and application of the Planning and Zoning processes. We are curious as to why this was not required of Hummana before they engaged in this endeavor, as they have had four years to make themselves aware of the Townships requirements. If they have avoided this process so successfully, are they also free from having to acquire certificates of occupancy for the barn and the attached arena before renting, and, with special note of the recent fire and loss of equines last week in South Lyon, a Fire Marshall's inspection? As was expressed to me by the lessee now in the property, in no uncertain terms he was told through the Township that he can do whatever he wants and not to worry about issues such as these. This is not the type of attitude we encountered when we arrived here, it is not the attitude we seek, and it is not the attitude that will move this Township forward to be what its residents envision in the future.

Most disheartening is the message that this sends to other developers who hold much larger pieces of property in the Township, such as the Eydes and the Rock conglomerate. The draft of the proposed consent judgment you will discuss later seems to reinforce this "I can do whatever I want" attitude, as it, in essence, allows a rezoning of land from agricultural uses considered for A-2 to the type of commercial purposes currently prohibited in this zoning, with no limits, no controls, and no consideration for the residents. This is not where we wish this Township to go.

  
DONNIS T. DONAHUE  
2223 N. PROSPECT ROAD  
SUPERIOR TOWNSHIP, MI



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES  
DIRECTOR

December 21, 2009

Mr. William McFarlane  
Supervisor  
Superior Township  
3040 North Prospect Road  
Ypsilanti, MI 48198

Dear Mr. McFarlane:

SUBJECT: 09-088, Cherry Hill Nature Preserve Improvements

I am writing to inform you of the results of the 2009 Michigan Natural Resources Trust Fund recreation grant program.

- The Michigan Natural Resources Trust Fund (MNRTF) program provides funding assistance for Department of Natural Resources (DNR) and local outdoor recreation needs, including land acquisition and development of outdoor recreation facilities. The MNRTF Board of Trustees makes final grant recommendations for this program.

The DNR evaluated 175 MNRTF grant applications requesting \$108.3 million with the following results:

- The Michigan Natural Resources Trust Fund Board of Trustees recommended 9 state and 16 local land acquisition projects, totaling \$25.9; and 6 state and 36 local outdoor recreation development projects, totaling \$9.7.

**I am sorry to inform you that the application(s) listed above was not included among the MNRTF recommendations.**

MNRTF grant applications will be accepted on April 1, 2010. A second deadline for MNRTF acquisition applications only will be available on August 2, 2010. If you would like to apply for funding for this project in 2010, please contact Grants Management at 517-373-9125 before preparing your application. To receive application materials for 2010, visit our website at [www.michigan.gov/dnr-grants](http://www.michigan.gov/dnr-grants), or contact Grants Management.

If you have any questions regarding your application(s) or the 2010 application process, please contact Grants Management at 517-373-9125, or you can write us at the following address: **Grants Management, Department of Natural Resources, P.O. Box 30425, Lansing, MI 48909-7925.**

Sincerely,

Deborah Apostol, Unit Manager  
Recreation Grants  
Grants Management  
517-335-3046

DA:lh

NATURAL RESOURCES COMMISSION

Keith J. Charters, Chair • Mary Brown • Hurley J. Coleman, Jr. • John Madigan • Timothy L. Nichols • J. R. Richardson • Frank Wheatlake

STEVENS T. MASON BUILDING • P.O. BOX 30028 • LANSING, MICHIGAN 48909-7528  
[www.michigan.gov/dnr](http://www.michigan.gov/dnr) • (517) 373-2329

*Great Lakes, Great Times, Great Outdoors!*

Superior Township  
3040 N. Prospect Road  
Ypsilanti, MI 48198-9447  
Attn; Mr. David Phillips

**Petition for help for 1-19-2010 Citizens Pleas & Petitions**

Ref; 20+ year Drain Issue Kimmel Drain, "Drain to nowhere"

Mr. Phillips,

Thank you so much for giving us support in this very old stressful issue. I will briefly reiterate some of the main events. I have a full file on this.

1. 1985 we purchased 8903 Cherry Hill from Mr. George Wiard. Mr. Wiard raised cattle on the property. There was no distinguishable drain on the property. This is also backed up by local respected historian Mrs. Betty Meyers who owned and farmed this property in the 1930's prior to Mr. Wiard. She stated, "Never any distinguishable drain on this property" Water "oozed" across the flat field toward the south.
2. Around 1987 I sent first letter requesting for the drain down stream & culvert under Cherry Hill to be cleaned.
3. Sold property but, purchased back a few years later.
4. Complained to drain official about drain back up in my field making passage to rear field difficult, was told to apply for culvert permit. Went to apply for culvert permit. Was told that cost was around \$ 180.00 (permit, engineering, inspection). I was advised to stay away from the drain. I said there was no distinguishable drain. They said would come out and mark the drain with the gps. I spoke to an engineer and others and then was told to go home. Four hours later I received a call and was told no permit was necessary and to go ahead and put in culvert. No one ever came out to mark the non existent drain. They may have come out but, obviously could not find the non existent drain. I installed culvert in LOWEST AREA. Later, I was told by WC drain that drain had not been cleaned out since 1937. WC later ( 2009) denied this happened and also denied telling me this.
5. Still more back up problems and now cat tails are increasing, more calls to WC drain commission. Was told to get petition to clean out. I found out that this would increase neighbors taxes / assessments. I told them did not want to have my neighbors pay any more taxes.

I asked WC several times how much to clean out and I told them that would consider paying for this myself. Several times, I also offered to clean out drain myself or hire it done at NO COST to my fellow citizens or the county. I never received any return calls. Never returning calls and no answers to the phones has been a standard operating procedure for the drain and DEQ. I also continually made everyone aware "if this is a wetland then I want compensation"

7. In 2008 I was told I needed a "moving soil permit" so, I applied for a permit to move soil, I received the permit, moved soil. WC put a stop order stating I filled in the (non existent) drain.

8. Years earlier (culvert permit time) WC said they were going to mark the drain but still never showed up and again in 2008 never marked the non distinguishable drain. I placed the dirt unknowingly on the non existing drain and left the low actual draining areas open to drain south toward the Cherry Hill culvert. So, it is still draining like it always has through the low areas. This actual natural drain is about 50-100 feet from their non existent drain that they finally marked late in 2009. I asked WC if they consider my drain important and they replied "yes" I then asked, " why then haven't you maintained this since 1937." They could not give any reply.

9. In 2009, I Was told by Ms. Bobrin that the county had 'an extra \$ 5,000.00 per mile already in the budget to clean out the drain' and to 'just fill out the petition' which she provided. On the petition I added wording to the effect that "county will advise if any costs are to be incurred by the taxpayers." I turned in petition and this addition was deleted by Ms. Bobrin. Why???

10. Ms. Bobrin was keenly aware of my position of not wanting to raise any neighbors taxes and that the only drain issue in question on the petition was only for cleaning the 400 ft. section South of Cherry Hill Road only. In spite of this she still set a meeting for drain issues concerning the entire SE Washtenaw County. This massive drain / tax increase/ assessment increase meeting was held on 9-09. This was attended by many very angry, and rightfully so, taxpayers who vented their anger at my wife since, they were led to believe that it was us that wanted to increase their taxes. This was improper and a large cost to taxpayers and caused ill feelings amongst our neighbors toward us. I was unable to attend since, I was out of the country on business. My wife and daughter left for fear of their safety.

11. The meeting was certainly not about my petition. Obviously the petition failed. I sent a letter to and thanked Ms. Bobrin for not raising our taxes. Note, she is the one that told me 'an extra \$ 5,000.00 per mile already in the budget to clean out the drain' and lead me to believe there would be no costs to anyone and that the problem would finally be over.

12. Now WC drain wants me to make a drain where it shows on their map. There was never a distinguishable drain there. Even if a new drain is made, where will the water go since, water does not run up hill it will not drain past the culvert on Cherry Hill and not drain past the wetlands South of Cherry Hill. I consulted with Mr. Bob Wanty ( Washtenaw drain Engineer referred by WC drain) who is also in agreement.

13. Since, it is clear that WC has actually abandoned this section of the drain, I asked them to officially abandon this non existent drain, since it has been a drain only on paper. WC will also not lower the culvert under Cherry Hill. They of course refused.

14. They have now marked the drain from their paper. This position is not and was not at the lowest points on the property.

15. Why is it now that WC wants to make me responsible for building a new drain when the drain was never installed and certainly not maintained in the first place? They originally told me that it had not been cleaned since 1937 which now they now deny saying this.

16. Even if a new drain or the old non existent drain is dug out on my property water still will not drain past the Cherry Hill culvert and certainly not South of Cherry Hill unless it is cleaned out. See letters, notes and complaints on this for 20 plus years. "Drain to nowhere"

17. I explained this dilemma to WC and asked what will happen after I spend a lot of money for consulting engineers and the consultant (whom I got from WC) concurs with me that water will not go over the lower side of the culvert and I was told by Ms. Bobrin that "we'll cross that bridge when we come to it"

## Solutions

18. Petition to leave the drain in the natural low area as it is now. It about 50 -100 feet from their staked location taken from their map for the non existent drain. WC would need to change their map and drain position. I was told this can be done.

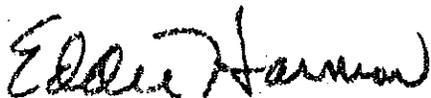
19. Petition to officially abandon the drain. Since, it is clear that WC has abandoned this section of the drain I would like for them to "officially abandon it" and let the water drain as it has naturally been doing. The drain begins on my property and I own the adjacent land on 3 sides. I was told this also can be done.

20. I have no idea why WC is so venomous toward me for other than speaking up to prevent my land from flooding for over 20 years. I have always followed the laws, permits, directions and have always been respectful. This aggressive behavior towards me would certainly fall under the "whistle blower act" if it was in the workplace. I have also stated I am not trying to get anyone in trouble I just want to recover my land as it was when I purchased it which had no distinguishable drain and no water back up.

21. I have enclosed WC reply from our meeting. I only agreed to consult with one of their engineers. I called all the engineers locally and all left messages on their phones. Late I received a call back.

22. We respectfully plead to you for help.

Sincerely,



Eddie & Sheryl, Kyle, Anastasia Harmon

(Mail address)

38422 Webb Drive

Westland MI 48185

734 326 6666

(Resident address)

9199 Cherry Hill

Ypsilanti MI 48198

January 8, 2010

# CLARK HILL

Douglas R. Kelly  
T 248.642.6890  
F 248.642.2337  
Email: drkelly@clarkhill.com

Clark Hill PLC  
151 South Old Woodward Avenue  
Suite 200  
Birmingham, Michigan 48009  
T 248.642.9692  
F 248.642.2174

clarkhill.com

December 23, 2009

Mr. Eddie Harmon  
c/o Sheryl D. Harmon, Trustee  
38422 Webb Drive  
Westland, MI 48185

Re: County Drain Obstruction on Parcel ID# J-10-15-400-013  
Superior Township, Michigan

Dear Mr. Harmon:

Your letter dated December 23 to the Washtenaw County Drain Commissioner has been forwarded to me for response. You requested an abandonment of the drain on your property. The Washtenaw County Water Resources Commissioner cannot grant this request as the Michigan Drain Code does not permit the abandonment of a drain that continues to serve a public purpose. The drain on the subject property continues to serve a substantial drainage area upstream and, therefore, abandonment will not be considered. The other statements in your letter were addressed during our meeting of December 17, 2009 and are inaccurate.

*Not so I am 15'*

Also, I received your voicemail stating that you were unable to contact any of the engineers on the list provided in my letter dated December 22, 2009 claiming that each of these individuals was out for the holidays. You thereafter requested an extension on the remediation dates. I called each of the engineering firms and only Larry Protasiewicz of Spicer Engineering will be out during the holidays. Shawn Middleton of Spicer is available to discuss this matter until Mr. Protasiewicz returns.

*I called  
Spicer  
could not  
talk to  
anyone*

*He Lies*

We had indicated that reasonable extension of the agreed upon dates will be provided where a legitimate need is shown. We consider your misrepresentation on the availability of the engineers to be a bad faith attempt to avoid your responsibilities to remove the obstruction of the drain on your property. No extension will be provided. Govern yourself accordingly.

Very truly yours,

CLARK HILL PLC

Douglas R. Kelly  
Douglas R. Kelly

DEC 24 2009

cc: Janis A. Bobrin, Washtenaw County Water Resources Commissioner  
Dennis M. Wojcik, Chief Deputy Water Resources Commissioner

**Bill McFarlane**

---

**From:** Dennis Wojcik [Wojcikd@ewashtenaw.org]  
**Sent:** Tuesday, January 12, 2010 4:51 PM  
**To:** 'williammcfarlane@superior-twp.org'  
**Subject:** Mr. Harmon's Request  
**Attachments:** Clark Hill Letter to Eddie Harmon re Abandonment.pdf

Bill,

You have contacted me to discuss Mr. Harmon's request that the Township Petition the Water Resources Commissioner to abandon the drain on his property. To abandon a drain the requirements of Section 280.391 of the Michigan Drain Code must be met. To meet these requirements it must be shown that the drain "has ceased to be a public utility and is no longer necessary or conducive to the public health, convenience and welfare". Since the drain on Mr. Harmon's property services other properties these requirements cannot be met.

Mr. Harmon has already been made aware of this in a letter dated December 23, 2009 from our attorney. This letter is attached.

If you have any questions please let me know.

dennis

RECEIVED

DEC 23 2009

# CLARK HILL

WASHTENAW COUNTY  
DRAIN COMMISSIONER

Douglas R. Kelly  
T 248.988.5890  
F 248.988.2337  
Email: dkelly@clarkhill.com

Clark Hill PLC  
151 South Old Woodward Avenue  
Suite 200  
Birmingham, Michigan 48009  
T 248.642.9692  
F 248.642.2174

clarkhill.com

December 23, 2009

Mr. Eddie Harmon  
c/o Sheryl D. Harmon, Trustee  
38422 Webb Drive  
Westland, MI 48185

Re: County Drain Obstruction on Parcel ID# J-10-15-400-013  
Superior Township, Michigan

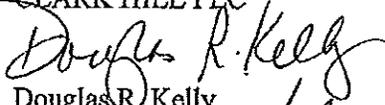
Dear Mr. Harmon:

Your letter dated December 23 to the Washtenaw County Drain Commissioner has been forwarded to me for response. You requested an abandonment of the drain on your property. The Washtenaw County Water Resources Commissioner cannot grant this request as the Michigan Drain Code does not permit the abandonment of a drain that continues to serve a public purpose. The drain on the subject property continues to serve a substantial drainage area upstream and, therefore, abandonment will not be considered. The other statements in your letter were addressed during our meeting of December 17, 2009 and are inaccurate.

Also, I received your voicemail stating that you were unable to contact any of the engineers on the list provided in my letter dated December 22, 2009 claiming that each of these individuals was out for the holidays. You thereafter requested an extension on the remediation dates. I called each of the engineering firms and only Larry Protasiewicz of Spicer Engineering will be out during the holidays. Shawn Middleton of Spicer is available to discuss this matter until Mr. Protasiewicz returns.

We had indicated that reasonable extension of the agreed upon dates will be provided where a legitimate need is shown. We consider your misrepresentation on the availability of the engineers to be a bad faith attempt to avoid your responsibilities to remove the obstruction of the drain on your property. No extension will be provided. Govern yourself accordingly.

Very truly yours,

CLARK HILL PLC  
  
Douglas R. Kelly  
lck

cc: Janis A. Bobrin, Washtenaw County Water Resources Commissioner  
Dennis M. Wojcik, Chief Deputy Water Resources Commissioner

January 08, 2010

Mr. David Phillips

Secretary, Board of Trustees

Superior Township Michigan

RE: Superior Township Planning Commission

Dear Dave,

My current appointment to the Superior Township Planning Commission expires February 28, 2010. I have learned a lot regarding land use planning and believe I have made active and positive contributions to the commission and would appreciate an opportunity to continue.

I therefore am requesting approval for appointment to a second term on the Superior Township Planning Commission.

Sincerely,

Porshea Anderson-Taylor

Superior Township Resident

**David Phillips**

---

**From:** "John Copley" <jalmoncopley@hotmail.com>  
**To:** <davidphillips@superior-twp.org>  
**Sent:** Tuesday, January 05, 2010 2:14 PM  
**Attach:** ATT00288.htm  
**Subject:** planning commission

Daveit has come to my attention that my current term on the Superior Township planning commission will expire on February 28, 2010. I would like to be considered by the Township board of trustees for another 3 year term on the commission. Thank you John Copley

---

Hotmail: Free, trusted and rich email service.  
<http://clk.atdmt.com/GBL/go/171222984/direct/01/>

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**A RESOLUTION TO APPROVE THE CONSENT JUDGMENT BETWEEN THE  
CHARTER TOWNSHIP OF SUPERIOR AND HUMMANA, L.L.C. AND NYR82, L.L.C.  
AND AUTHORIZING THE SUPERVISOR AND CLERK TO SIGN**

At a regular meeting of the Township Board of Trustees of Superior Charter Township, Washtenaw County, Michigan, held at the Township Hall of said Township on January 19, 2010, at 7:30 p.m. Eastern Standard Time, the following resolution was offered by \_\_\_\_\_, and supported by \_\_\_\_\_.

**WHEREAS:**

- A. On April 4, 2007, Hummana, L.L.C. and NYR82, L.L.C.(Plaintiffs) filed an application to rezone the approximately 77.18 acres of land (Subject Property) located at the northwest corner of the intersection of Prospect and Geddes Road in Superior Township.
- B. On August 22, 2007, the Superior Township Planning Commission recommended denial of the application. On September 17, 2007, the Superior Township Board voted to deny the rezoning. On December 6, 2007, the Superior Township Zoning Board of Appeals denied the dimensional and use variance requests.
- C. On January 2, 2008, the Plaintiffs filed a complaint against Superior Township in the Circuit Court of Washtenaw County seeking mandamus, superintending control, injunctive, rezoning and equitable and other relief, taking and damages.
- D. Prior to September 24, 2009, the parties entered in discussions regarding a potential settlement of this litigation which would preserve the essential agricultural nature of the Subject Property while providing the Township with control over a parcel of land at the corner of Geddes and Prospect Roads that is strategically located to provide police and fire services the best access to the entire southern portion of the Township.
- E. On September 24, 2009, by agreement of the parties, the Plaintiffs' complaint was dismissed without prejudice, so that the parties could attempt to conclude a settlement, without the necessity of spending valuable resources in preparing this matter for litigation.
- F. After extensive discussions and negotiations, Superior Township, the Plaintiffs and a third party, have reached a tentative agreement, the terms of which are generally as follows:
  - i. Superior Township will purchase 8.15 acres of the Subject Property (the "Township Parcel"). This parcel is located at the corner of Geddes and Prospect Roads and it is intended to be used for a future fire station or other municipal building. The sales price for this parcel is \$300,000.
  - ii. A third party will purchase the remainder of the Subject Property.
  - iii. Of the remaining 69.03 acres, approximately 29 acres will be permitted to be used for specific agricultural and agricultural businesses as outlined in the proposed Consent Judgment and such limitations shall run with the land.

- iv. Superior Township will, for \$100,000, purchase a conservation easement on forty (40) acres of the Subject Property being purchased by the third party; subject to six (6) of the acres being exempted from the Conservation Easement upon payment of \$40,000 to the Township.
  - v. All other claims against the Township are dismissed with prejudice and without costs to either party.
  - vi. The third party will be allowed specified agricultural and agricultural business uses on the portion of the property they own which is not covered by the conservation easement (the "Stables Parcel") and on the portion covered by the conservation easement. These specific uses are identified in the Consent Judgment.
- G. The Plaintiffs and Superior Township, upon approval of the proposed Consent Judgment and Conservation Easement by all interested parties, will stipulate to reinstate the litigation and thereafter enter the Consent Judgment.
- H. The Township has performed due diligence by having the property appraised by a licensed appraiser to insure that the Township is receiving fair value.

**NOW, THEREFORE BE IT RESOLVED:**

1. The Superior Township Board of Trustees has reviewed the terms and conditions of the proposed Consent Judgment and finds that if the Township enters into the Consent Judgment it will promote the good and well-being of the citizens of the Township.
2. Superior Charter Township Board hereby approves the proposed Consent Judgment between Superior Charter Township and Hummana, L.L.C. and NYR82, L.L.C. in substantially the form attached hereto and authorizes the Township Supervisor and Township Clerk to sign said Consent Judgment.
3. The Superior Charter Township Board authorizes the Township to take actions as outlined by the Consent Judgment, including, but not limited to, the Supervisor and Clerk signing the closing documents to purchase Township Parcel for the purchase price of \$300,000, with these funds being utilized from the Fire Reserve, Building Improvement Fund; and, the purchase of the Development Rights on the Conservation Parcel for the purchase price of \$100,000, with these funds being utilized from the Legal Defense Fund. There are adequate balances in both funds for these expenditures.

# GREAT DANE RESCUE, INC.

P.O. BOX 5543

PLYMOUTH, MI 48170

Phone: (734) 454-3683

[www.greatdanerescueinc.com](http://www.greatdanerescueinc.com)



January 15, 2010

Mr. David Phillips  
Superior Charter Township  
3040 North Prospect  
Ypsilanti, MI 48198

Dear Mr. Phillips:

Great Dane Rescue Inc. is planning on holding a Millionaire's Party (a/k/a Charity Poker) at Benny's Charity Poker Room located in Shelby Township, Michigan. The event is scheduled to be held on March 25 through March 28, 2010.

For this event, the games that will be played are Texas Hold 'Em, Black Jack, Craps, and Roulette.

A key requirement enabling Great Dane rescue Inc. to hold this event is an approved Millionaire Party License from the State of Michigan. In applying for a Millionaire Party License, Great Dane Rescue Inc. must provide the State of Michigan a copy of the rescue's bylaws, Articles of Incorporation, the letter regarding our non-profit status, revenue and expense statements for the past 12 months, and a copy of the resolution passed by the local body of government (Superior Township) stating that Great Dane Rescue Inc. is recognized as a non-profit organization.

Great Dane Rescue Inc. is requesting that the city council for Superior Township pass a Resolution granting acknowledgement that we are a non-profit organization.

These poker events are a great source of revenue for the charity/non-profit groups who hold them. The funds earned from our millionaire's party will go directly to the medical care and food for the Great Danes coming into our foster care network prior to being re-homed.

Mr. David Phillips  
January 15, 2010  
Page 2 of 2

Since our inception in 1993, Great Dane Rescue Inc. has placed over 1,000 dogs into new families, provided medical care, housing, and food for each dog. Some of these dogs coming into our rescue's care are in dire need of medical attention requiring anything from heartworm treatment to amputation of broken limbs.

We greatly appreciate Superior Township considering Great Dane Rescue Inc.'s request to be recognized as a non-profit organization. Although our mailing address is in Plymouth, Michigan, our non-profit status letter states Superior Township, where our founder Sandra Suarez resides, is the rescue's origin.

Please feel free to contact me with any further questions at (586)917-4108 (cell) or (248)879-2296 (home).

Most sincerely,

Jeanette Coval  
Fund Raising/Events - Michigan  
Great Dane Rescue, Inc.



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
BUREAU OF STATE LOTTERY  
LANSING



M. SCOTT BOWEN  
COMMISSIONER

**LOCAL CIVIC ORGANIZATION QUALIFICATION REQUIREMENTS**

**Please allow at least 8 weeks for the qualification process.**

If the organization has never submitted qualifying information as a local civic organization, the following information shall be submitted in the name of the organization prior to being approved to conduct a bingo, millionaire party, raffle, or charity game. A previously qualified organization may be required to submit updated qualification information to assure its continued eligibility under the act.

1. A signed and dated copy of the organization's current bylaws or constitution, including membership criteria.
2. A complete copy of the organization's Articles of Incorporation that have been filed with the Corporations and Securities Bureau, if the organization is incorporated.
3. A copy of the letter from the IRS stating the organization is exempt from federal tax under IRS code 501(c)

OR

copies of one bank statement per year for the previous five years, excluding the current year.

4. A provision in the bylaws, constitution, or Articles of Incorporation that states should the organization dissolve, all assets, and real and personal property will revert:
  - A. If exempt under 501(c)3, to another 501(c)3 organization.
  - B. If not exempt under 501(c)3, to the local government.
5. A revenue and expense statement for the previous 12 month period to prove all assets are used for charitable purposes, i.e. 990's, treasurer's report, audit. Do not send check registers or cancelled checks. Explain the purpose of each expenditure made to an individual. Once the organization has conducted licensed gaming events, the Bureau may require the organization to provide additional proof that all assets are being used for charitable purposes.
6. A copy of a resolution passed by the local body of government stating the organization is a recognized nonprofit organization in the community (form attached).
7. A provision in the bylaws, constitution, or Articles of Incorporation indicating the organization will remain nonprofit forever.

Additional information may be requested after the initial documents submitted have been reviewed. If you have any questions or need further assistance, please call our office at (517) 335-5780.

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Act 382 of the Public Acts of 1972, as amended, defines a local civic organization as an organization "that is organized not for pecuniary profit; that is not affiliated with a state or national organization; that is recognized by resolution adopted by the local governmental subdivision in which the organization conducts its principal activities; whose constitution, charter, articles of incorporation, or bylaws contain a provision for the perpetuation of the organization as a nonprofit organization; whose entire assets are used for charitable purposes; and whose constitution, charter, articles of incorporation, or bylaws contain a provision that all assets, real property, and personal property shall revert to the benefit of the local governmental subdivision that granted the resolution upon dissolution of the organization."

BSL-CG-1453(2/09)

*All Lottery profits support K-12 public education in Michigan.*

101 E. HILLSDALE • P.O. BOX 30023 • LANSING, MICHIGAN 48909  
www.michigan.gov/cg • (517) 335-5780

Stacy Williams  
586-709-6268



Charitable Gaming Division  
 Box 30023, Lansing, MI 48909  
 OVERNIGHT DELIVERY:  
 101 E. Hillsdale, Lansing MI 48933  
 (517) 335-5780  
 www.michigan.gov/cg

**LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES**  
 (Required by MCL 432.103(K)(II))

At a REGULAR meeting of the SUPERIOR TOWNSHIP BOARD OF TRUSTEES  
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by SUPERVISOR WM. MCFARLANE on JANUARY 19, 2010  
DATE

at 7:30 a.m./p.m. the following resolution was offered:  
TIME

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the request from GREAT DANE RESCUE, INC. of SUPERIOR TOWNSHIP  
NAME OF ORGANIZATION CITY

county of WASHTENAW, asking that they be recognized as a  
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for APPROVAL.  
APPROVAL/DISAPPROVAL

APPROVAL	DISAPPROVAL
Yeas: _____	Yeas: _____
Nays: _____	Nays: _____
Absent: _____	Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and  
 adopted by the SUPERIOR TOWNSHIP TRUSTEES at a REGULAR  
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on JANUARY 19, 2010.  
DATE

SIGNED: \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE CLERK

David M. Phillips, Clerk  
PRINTED NAME AND TITLE

3040 N. Prospect, Ypsilanti, MI 48198  
ADDRESS

COMPLETION Required  
 PENALTY: Possible denial of application  
 BSL-CG-1163(R6/09)

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JUN 09 2000

GREAT DANE RESCUE INC  
4125 GOTFREDSON  
PLYMOUTH, MI 48170

Employer Identification Number:  
38-3265880  
DLN:  
17053071743040  
Contact Person:  
KAREN CHAO ID# 31003  
Contact Telephone Number:  
(877) 829-5500  
Our Letter Dated:  
May 1996  
Addendum Applies:  
No

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

You are required to make your annual information return, Form 990 or Form 990-EZ, available for public inspection for three years after the later of the due date of the return or the date the return is filed. You are also required to make available for public inspection your exemption application, any supporting documents, and your exemption letter. Copies of these documents are also required to be provided to any individual upon written or in person request without charge other than reasonable fees for copying and postage. You may fulfill this requirement by placing these documents on the Internet. Penalties may be imposed for failure to comply with these requirements. Additional information is available in Publication 557, Tax-Exempt Status for Your Organization, or you may call our toll free number shown above.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Letter 1050 (DO/CG)

**SUPERIOR CHARTER TOWNSHIP  
FEES PERTAINING TO ZONING ORDINANCE**

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**A Resolution to Amend Fees Pertaining to the  
Superior Charter Township Zoning Ordinance  
January 19, 2010**

At a regular meeting of the Township Board of Trustees of Superior Charter Township, Washtenaw County, Michigan, held at the Township Hall of said Township on the nineteenth day of January 2010, at 7:30 p.m. Eastern Standard Time, the following resolution was offered by \_\_\_\_\_ and supported by \_\_\_\_\_ :

WHEREAS, this Board is authorized by Zoning Ordinance of the Charter Township of Superior to set fees by resolution for various matters arising in the course of administration of the Zoning Ordinance; and

WHEREAS, this Board has reviewed the fees previously in effect and has found that they are in need of revision;

LET IT THEREFORE BE RESOLVED, that the Charter Township of Superior, Washtenaw County, Michigan, does hereby amend the fee schedule adopted on June 15, 2009, for rezoning petitions, site plan reviews, special district review and other fees as set forth below; and

BE IT FURTHER RESOLVED, that an administrative fee shall be added to all review costs deducted from review escrow accounts through all stages of the development process; and

BE IT FURTHER RESOLVED, that in the event that the fees are not fully paid within thirty (30) days after notification of outstanding invoices and prior to any requested action by the Planning Commission, the Planning Commission shall consider that as grounds for denial; and

BE IT FURTHER RESOLVED, that all of the review escrow funds are refundable if they are not used, less fifteen percent (15%) administration costs of the original amount used. All review escrow funds will be deposited in a non-interest bearing account.

**1. REZONING PETITIONS (OTHER THAN SPECIAL DISTRICTS)**

The following fees and review escrows shall be paid by the petitioner to the Superior Charter Township Treasurer at the time of submittal of the application to rezone:

Application fees:	\$ 900.00
Review escrow:	\$ 1,000.00
Total:	<u>\$ 1,900.00</u>

**SUPERIOR CHARTER TOWNSHIP  
FEES PERTAINING TO ZONING ORDINANCE**

Review escrow funds are used for the Township consultants' engineering, planning and legal reviews and other costs as appropriate. Review costs will be deducted from the escrow account along with the appropriate administrative fee. If a review cost exceeds the amount in the escrow account, the cost plus the appropriate administrative fee, shall be billed to the petitioner. Billing rates are available upon request.

If a second public hearing must be scheduled due to the petitioner's failure to post required signage or provide information as required, or due to the petitioner's request, an additional fee of \$300.00 to offset the Township's additional costs of public notices and affidavits of notice shall be paid by the petitioner prior to the Township scheduling the public hearing.

**2. APPLICATION FOR CONDITIONAL USE PERMIT**

The following fees shall be paid by the applicant to the Superior Charter Township Treasurer at the time of submittal of the application for a Conditional Use Permit.

Application fees:	\$ 500.00
Review escrow:	\$ 300.00
Total:	<u>\$ 800.00</u>

Application fee includes one Planning Commission meeting in addition to the meeting at which the public hearing is held. For placement on each additional agenda, an additional fee of \$150.00 shall be payable in advance.

Review escrow funds are used for the Township consultants' engineering, planning and legal reviews and other costs as appropriate. Review costs will be deducted from the escrow account along with the appropriate administrative fee. If a review cost exceeds the amount in the escrow account, the cost plus the appropriate administrative fee, shall be billed to the petitioner. Billing rates are available upon request.

**3. SITE PLAN REVIEW (OTHER THAN SPECIAL DISTRICTS)**

The following fees shall be paid by the applicant to the Superior Charter Township Treasurer at the time of submittal for each review:

**A. PRELIMINARY SITE PLAN REVIEW**

Application fees:	\$ 900.00
Review escrow:	\$ 1,200.00 + \$75 per acre
Total:	<u>\$ 2,100.00 + \$75 per acre</u>

**SUPERIOR CHARTER TOWNSHIP  
FEES PERTAINING TO ZONING ORDINANCE**

Review escrow funds are used for the Township consultants' engineering, planning and legal reviews and other costs as appropriate. Review costs will be deducted from the escrow account along with the appropriate administrative fee. If a review cost exceeds the amount in the escrow account, the cost plus the appropriate administrative fee, shall be billed to the petitioner. Billing rates are available upon request.

**B. FINAL SITE PLAN REVIEW**

Application fees:	\$ 900.00
Review escrow:	\$1,200.00
Total:	<u>\$ 2,100.00</u>

Review escrow funds are used for the Township consultants' engineering, planning and legal reviews and other costs as appropriate. Review costs will be deducted from the escrow account along with the appropriate administrative fee. If a review cost exceeds the amount in the escrow account, the cost plus the appropriate administrative fee, shall be billed to the petitioner. Billing rates are available upon request.

**C. REVISED SITE PLAN REVIEW (EACH REVISION)**

Application fees:	\$ 300.00
Review escrow:	\$1,100.00
Total:	<u>\$1,400.00</u>

Review escrow funds are used for the Township consultants' engineering, planning and legal reviews and other costs as appropriate. Review costs will be deducted from the escrow account along with the appropriate administrative fee. If a review cost exceeds the amount in the escrow account, the cost plus the appropriate administrative fee, shall be billed to the petitioner. Billing rates are available upon request.

**D. MAJOR/MINOR CHANGE**

Application fees:	\$ 100.00
Review escrow:	300.00
Total:	<u>\$ 400.00</u>

**SUPERIOR CHARTER TOWNSHIP  
FEES PERTAINING TO ZONING ORDINANCE**

**4. PETITION FOR SPECIAL DISTRICT REVIEW**

The following fees shall be paid by the petitioner to the Superior Charter Township Treasurer at the time of submittal of the application For a Special District and at the time of each subsequent submittal:

**A. REZONING PETITION AND AREA PLAN REVIEW**

Application fees:	\$ 900.00
Review escrow:	\$1,200.00
Total:	<u>\$2,100.00</u>

Review escrow funds are used for the Township consultants' engineering, planning and legal reviews and other costs as appropriate. Review costs will be deducted from the escrow account along with the appropriate administrative fee. If a review cost exceeds the amount in the escrow account, the cost plus the appropriate administrative fee, shall be billed to the petitioner. Billing rates are available upon request.

If a second public hearing must be scheduled due to the petitioner's failure to post required signage or provide information as required, an additional fee of \$300.00 to offset the Township's additional costs of public notices and affidavits of notice shall be paid by the petitioner prior to the Township scheduling the public hearing.

**B. PRELIMINARY SITE PLAN REVIEW**

Application fees:	\$ 900.00
Review escrow:	\$1,200.00 + \$75.00 per acre
Total:	<u>\$2,100.00 + \$75.00 per acre</u>

Review escrow funds are used for the Township consultants' engineering, planning and legal reviews and other costs as appropriate. Review costs will be deducted from the escrow account along with the appropriate administrative fee. If a review cost exceeds the amount in the escrow account, the cost plus the appropriate administrative fee, shall be billed to the petitioner. Billing rates are available upon request.

**C. FINAL SITE PLAN REVIEW**

Application fees:	\$ 900.00
Review escrow:	\$ 1,800.00
Total:	<u>\$2,700.00</u>

**SUPERIOR CHARTER TOWNSHIP  
FEES PERTAINING TO ZONING ORDINANCE**

Review escrow funds are used for the Township consultants' engineering, planning and legal reviews and other costs as appropriate. Review costs will be deducted from the escrow account along with the appropriate administrative fee. If a review cost exceeds the amount in the escrow account, the cost plus the appropriate administrative fee, shall be billed to the petitioner. Billing rates are available upon request.

**D. MAJOR/MINOR CHANGE**

Application fees:	\$ 100.00
Review escrow:	300.00
Total:	<u>\$ 400.00</u>

Review escrow funds are used for the Township consultants' engineering, planning and legal reviews and other costs as appropriate. Review costs will be deducted from the escrow account along with the appropriate administrative fee. If a review cost exceeds the amount in the escrow account, the cost plus the appropriate administrative fee, shall be billed to the petitioner. Billing rates are available upon request.

**5. ENGINEERING REVIEW FEES**

At the time of submittal of detailed construction plans, specifications, and detailed estimates of total costs of the proposed construction and improvements, the applicant shall pay to the Township Treasurer a fee for review equal to one and one-half percent (1 ½%) of the estimated total costs of construction and improvements, plus one dollar (\$1.00) per dwelling unit or, in the case of non-residential developments, one and one-half percent (1 ½%) of the estimated costs of construction and improvements, plus one dollar (\$1.00) 1500 square feet of the total building size. The estimates shall be provided by the applicant, and verified by the Township engineer, with the Township engineer retaining final authority to determine the total costs upon which the percentage shall be based.

The fee shall be paid prior to the Township engineer's review of any part of the construction plans. Review costs will be deducted from the escrow account along with the appropriate administrative fee. If the review costs exceed the amount in the escrow account, the costs plus the appropriate administrative fee shall be billed to the petitioner. Billing rates are available upon request.

**6. PRECONSTRUCTION AND DEVELOPMENT AGREEMENT MEETING**

The following fees shall be paid by the applicant to the Superior Township Treasurer at the time of scheduling a preconstruction and development agreement meeting:

**SUPERIOR CHARTER TOWNSHIP  
FEES PERTAINING TO ZONING ORDINANCE**

**A. PROJECT WITH PUBLIC WATER AND SANITARY SEWER**

One and one-half hour      \$650.00  
(maximum meeting time)

**B. PROJECT WITHOUT PUBLIC WATER AND SANITARY SEWER**

One and one-half hour      \$500.00  
(maximum meeting time)

If the meeting exceeds one and one-half hours, or if a subsequent meeting is required, the additional fees shall be payable at the above rates rounded to the nearest quarter hour.

**7. INSPECTION FEES DEPOSIT (IN FIELD)**

The fees for inspection shall be borne by the applicant and paid to the Township Treasurer. Fees for inspection shall be established at the preconstruction meeting by the Township engineer, who shall transmit a copy of the amount required for inspection fees to the applicant, the Township Clerk, and the Township Treasurer. The Township Treasurer shall place the amount determined by the Township engineer in an escrow account.

Inspection fees shall cover the costs of actual inspection and any administrative engineering time incurred by the Township's engineer(s) in association with the project. Inspection costs will be deducted from the inspection escrow account along with the appropriate administrative fee. If the review costs exceed the amount in the escrow account, the costs plus the appropriate administrative fee shall be billed to the petitioner. The extent of inspection and field engineering required may be determined by the Township's engineer based upon the contractor's performance and the applicant's engineering involvement. The costs associated with any field design changes, reviews, evaluations or interpretations of the plans due to discrepancies evolving from the construction operation shall be deducted from the inspection escrow accounts.

The applicant will be notified in the event the escrow funds have been depleted and additional funds are required. Prompt attention to reestablishing the escrow funds will prevent the project construction from being stopped and/ or occupancy permits withheld. Any account balance remaining upon completion of the project and acceptance of the record plans will be returned to the applicant less fifteen percent (15%) for administration.

Review of "as-built" plans shall be invoiced against the inspection funds.

**SUPERIOR CHARTER TOWNSHIP  
FEES PERTAINING TO ZONING ORDINANCE**

The fees herein contained shall be in addition to those charges for connection charges and other charges or fees required for sanitary sewer and water supply.

**8. ZONING BOARD OF APPEALS PETITION**

At the time of filing an appeal to the Zoning Board of Appeals, fees shall be paid by the petitioner to the Superior Charter Township Treasurer as follows:

Appeals brought by the owner of a single-family dwelling and involving a variance request regarding "Density and Height Regulations" for one such dwelling:

\$175.00

Any other appeal:

\$500.00

**9. MISCELLANEOUS FEES**

**A. SPECIAL MEETING OF THE TOWNSHIP BOARD**

At the time of filing a request with the Township Clerk for a special meeting of the Township Board, a fee of \$600.00 shall be paid by the requester to the Superior Charter Township Treasurer. If the Board determines for any reason that special meeting cannot be held, \$450.00 of the \$600.00 fee shall be refunded, with the remaining portion of the fee to be retained by the Township for administrative costs.

**B. SPECIAL MEETING OF THE TOWNSHIP PLANNING COMMISSION**

At the time of filing a request with the Township Clerk for a special meeting of the Township Planning Commission, a fee of \$750.00 shall be paid by the requester to the Superior Charter Township Treasurer. If the Planning Commission determines for any reason the special meeting cannot be held, \$650.00 of the \$750.00 fee shall be refunded, with the remaining portion of the fee to be retained by the Township for administrative costs.

**C. PRE-APPLICATION CONFERENCE**

At the time of scheduling a pre-application meeting with the Township Planner, a fee of \$100.00 shall be paid by the applicant to the Superior Charter Township Treasurer. If additional meetings are requested, an additional \$75.00 per meeting shall be paid.

**D. PRE-APPLICATION REVIEW**

Before an application for rezoning, conditional use or site plan review is filed, the petitioner may request a pre-application review by the Township's planner and/or engineer. A fee of \$500.00

**SUPERIOR CHARTER TOWNSHIP  
FEES PERTAINING TO ZONING ORDINANCE**

shall be paid by the applicant to the Superior Charter Township Treasurer before such a review is undertaken.

**10. EXTENSION OF AREA PLAN, MINOR SITE PLAN, PRELIMINARY SITE PLAN AND FINAL SITE PLAN APPROVAL**

The review escrow shall be paid by the petitioner to the Superior Charter Township Treasurer at the time of submittal of the application for an extension:

Review escrow:	\$ 1,500.00
Total:	<u>\$ 1,500.00</u>

Review escrow funds are used for the Township consultants' engineering, planning and legal reviews and other costs as appropriate. Review costs will be deducted from the escrow account along with the appropriate administrative fee. If a review cost exceeds the amount in the escrow account, the cost plus the appropriate administrative fee, shall be billed to the petitioner. Billing rates are available upon request.

**11. MINOR SITE PLAN REVIEW**

The following fees shall be paid by the applicant to the Superior Charter Township Treasurer at the time of submittal of the application for each minor site plan review.

Review escrow:	\$ 1,500.00
Total:	<u>\$ 1,500.00</u>

Review escrow funds are used for the Township consultants' engineering, planning and legal reviews and other costs as appropriate. Review costs will be deducted from the escrow account along with the appropriate administrative fee. If a review cost exceeds the amount in the escrow account, the cost plus the appropriate administrative fee, shall be billed to the petitioner. Billing rates are available upon request.

**12. ADMINISTRATIVE REVIEW**

The following fees shall be paid by the applicant to the Superior Charter Township Treasurer at the time of submittal for each administrative review:

Review escrow:	\$ 1,500.00
Total:	<u>\$ 1,500.00</u>

**SUPERIOR CHARTER TOWNSHIP  
FEES PERTAINING TO ZONING ORDINANCE**

Review escrow funds are used for the Township consultants' engineering, planning and legal reviews and other costs as appropriate. Review costs will be deducted from the escrow account along with the appropriate administrative fee. If a review cost exceeds the amount in the escrow account, the cost plus the appropriate administrative fee, shall be billed to the petitioner. Billing rates are available upon request.

**13. ADMINISTRATIVE FEES**

An administrative fee shall be charged whenever a Township consultant's review cost (including but not limited to engineering, planning and legal reviews) is deducted from a review escrow account. The administrative fee shall also be deducted from the review escrow account and shall be calculated according to the following table:

<b>Review Cost</b>	<b>Administrative Fee</b>
Under \$250	10%
\$251-\$500	8%
\$501-\$1,500	4%
\$1,500-\$3,000	3%
Over \$3,000	2%

**14. PUBLICATION AND EFFECTIVE DATES**

This resolution and fee schedule shall become effective immediately upon publication in the *Ypsilanti Courier*, a newspaper of general circulation within the Township on 2010.

**CERTIFICATION**

I, David Phillips, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Superior Charter Township Board held on January 19, 2010 and that public notices of said meeting were given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended.

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David Phillips, Superior Township Clerk

Roll call vote: McKinney, Phillips, Caviston, Green, Lewis, Williams, McFarlane

**SUPERIOR CHARTER TOWNSHIP  
FEES PERTAINING TO ZONING ORDINANCE**

Aye: None

Nays:

The motion carried.

OFFICE OF  
**WILLIAM McFARLANE**  
SUPERVISOR

TOWNSHIP HALL  
3040 NORTH PROSPECT STREET  
COR. PROSPECT & CHERRY HILL RDS.  
YPSILANTI, MICHIGAN 48198  
TELEPHONE: (734) 482-6099  
FAX: (734) 482-3842

**CHARTER TOWNSHIP OF SUPERIOR**  
WASHTENAW COUNTY, MICHIGAN

January 4, 2010

TO: Board of Trustee's

FM: William McFarlane, Supervisor

RE: Planning Commission Appointments

John Copley and Porshea Taylor terms on the Superior Township planning Commission Expire on February 28, 2010. Both have indicated a desire to continue service to the Township on the Commission. The Township is in the middle of updating the Master Plan as required by State Law. Both have been involved with this process and changing Commissioners at this time would not be in the Township best interest. Therefore, I am recommending both be re-appointed to three year terms ending 2013.

OFFICE OF  
**WILLIAM McFARLANE**  
SUPERVISOR

TOWNSHIP HALL  
3040 NORTH PROSPECT STREET  
COR. PROSPECT & CHERRY HILL RDS.  
YPSILANTI, MICHIGAN 48198  
TELEPHONE: (734) 482-6099  
FAX: (734) 482-3842

**CHARTER TOWNSHIP OF SUPERIOR**  
WASHTENAW COUNTY, MICHIGAN

January 15, 2010

TO: Superior Township Board of Trustee's

FM: William McFarlane, Supervisor

RE: Appointment to Dixboro Design Review Board

There are two positions on the Dixboro Design Review Board whose terms are expiring. Mr. John Copley term as Planning Commission representative will expire on February 28, 2010. Ms. Patricia Durston term expired on December 31, 2009. Ms. Durston representation was a person with expertise in real estate, building finance or a related profession. She has moved from the area and has not attended the last few meetings.

I am please to recommend Mr. John Copley be re-appointed as Planning Commission Representative and Michael Barth be appointed as a person with expertise in real estate, building finance or a related field Ms. Barth is also a resident who lives on Plymouth Road. Ms Barth is also a past member of the Superior Township Planning Commission. The next meeting of the DRB will be April 8, 2010 at 7:30 P.M. the Road Commission will present an overview for potential improvements to Plymouth Road.

**PROPOSED BUDGET AMENDMENTS  
LEGAL DEFENSE FUND 1-19-10**

BUDGET LINE #	DESCRIPTION	DEBIT	CREDIT	COMMENTS
204-000-699-000	APPROPRIATION FROM FUND BALANCE	INCREASE	\$ 200,000.00	MAKE MONEY AVAILABLE FOR PURCHASING DEVELOPMENT RIGHTS ON A PARCEL.
204-244-802-050	DEVELOPMENT RIGHTS PURCHASES	\$ 200,000.00	INCREASE	THIS AMMENDMENT WAS MADE IN DEC 2009, BUT THE PURCHASE DID NOT HAPPEN, SO THE MONEY WENT BACK INTO FUND BALANCE. SO WE HAVE TO REMAKE THIS AMENDMENT IN 2010
		\$ 200,000.00	\$ 200,000.00	

SUPERIOR TOWNSHIP

# BILLS FOR PAYMENT

DATE: JANUARY 19, 2010

## TOTAL AMOUNTS TO BE RELEASED FROM EACH FUND

GENERAL	\$	14,940.00
LEGAL DEFENSE	\$	1,095.00
FIRE		NONE TO SUBMIT
LAW		
BUILDING		NONE TO SUBMIT
UTILITIES		
GRAND TOTAL	\$	16,035.00

SUBMITTED BY: SUSAN MUMM, ACCOUNTANT

# BILLS FOR PAYMENT

DATE: JANUARY 19, 2010

## GENERAL FUND

AMOUNT	TO WHOM	DESCRIPTION
\$ 2,372.50	DONALD PENNINGTON	DEC TWP PLANNING
\$ 4,278.00	OHM	ENG RE EECBG
\$ 4,709.50	OHM	ENG RE GEDDES NON-MOTOR TRAIL #1
\$ 3,580.00	OHM	ENG RE LED GRANT, EECBG GRANT AND MISC
<b>\$ 14,940.00</b>	<b>TOTAL</b>	

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## LEGAL DEFENSE FUND

\$ 1,095.00	READING & ETTER	LEGAL SERV RE HUMANNA
	<b>TOTAL</b>	

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## FIRE FUND

AMOUNT	TO WHOM	DESCRIPTION
	NONE TO SUBMIT	
	<b>TOTAL</b>	

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## LAW FUND

\$ -	<b>TOTAL</b>	
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## BUILDING FUND

# Record of Disbursements

**Date:** JANAURY 19, 2010

\*Contains all checks written since last report was submitted for the following funds:

General  
Fire  
Building  
Law  
Park  
Water & Sewer

Note: Some of these checks were presented to the board for approval. All others are either pre-approved or under \$1,000.00

SUBMITTED BY: SUSAN MUMM, ACCOUNTANT

GENERAL FUND CHECK REGISTER  
12/22/09 -- 1/14/10

Check Date	Bank/Check #	Name	Description	Amount	Voided?
12/22/2009	GENL 31149	JOHN HUDSON	MILEAGE HUDSON 12/7--12/18	67.65	
12/22/2009	GENL 31150	SUPERIOR TWP TRUST & AGENCY	RECONCILE RECORD FEE ST JOG STG 3C	44.00	
12/22/2009	GENL 31151	SUPERIOR TOWNSHIP BUILDING FUND	RICK SALARY SPLIT DEC	576.52	
12/23/2009	GENL 31152	LEONARD CASEY	DUMP TICKET REIMBURSEMENT	50.00	
12/23/2009	GENL 31153	STAPLES BUSINESS ADVANTAGE	SUPPLIES	201.08	
12/23/2009	GENL 31154	WILLIAM MCFARLANE	MILEAGE REIMBURSEMENT	77.00	
12/28/2009	GENL 31155	DELTA DENTAL	JAN 2010 DENTAL INSUR	724.35	
12/28/2009	GENL 31156	AMERICAN UNITED LIFE INSURANCE CO	LIFE INSUR JAN 10	153.22	
12/28/2009	GENL 31157	VISION SERVICE PLAN	JAN 2010 VISION INSUR	185.23	
12/28/2009	GENL 31158	KAREN TYLER	MILEAGE KAREN 12/16-- 12/23	41.80	
12/29/2009	GENL 31159	PRIORITY HEALTH	JAN 2010 HEALTH INSUR	4,204.80	
12/29/2009	GENL 31160	DONALD PENNINGTON	NOV PLANNING SERVICES	2,957.50	
1/4/2010	GENL 31161	AVAYA, INC.	PHONE MAIT DECEMBER	102.01	
1/4/2010	GENL 31162	CARL SADDLER	MILEAGE CARL SEPT 09	11.00	
1/4/2010	GENL 31163	JOHN HUDSON	MILEAGE HUDSON 12/21--21/31	61.05	
1/4/2010	GENL 31164	KAREN TYLER	MILEAGE KAREN 12/29--12/30	18.70	
1/4/2010	GENL 31165	MICHIGAN TOWNSHIP'S ASSOCIATION	ROBERT'S RULES BOOK	40.50	
1/4/2010	GENL 31166	SUPERIOR TWP LAW FUND	ADJUSTMENT MTT REFUND DIGESTIVE CARE	18.84	V
1/4/2010	GENL 31167	SUSAN MUMM	MILEAGE SUSAN 11/25--12/21	27.50	V
1/4/2010	GENL 31168	AVAYA, INC.	JAN PHONE MAIT	102.01	
1/4/2010	GENL 31169	SUSAN MUMM	MILEAGE SUSAN 11/25-12/31	27.50	
1/4/2010	GENL 31170	DAVID PHILLIPS	MILEAGE PHILLIPS 12/9--12/21	34.10	
1/4/2010	GENL 31171	DONALD DUGAS	BOARD OF REVIEW PAY	20.00	
1/4/2010	GENL 31172	JOHN MACNICOL	BOARD OF REVIEW 12/15	20.00	
1/4/2010	GENL 31173	RHONDA MCGILL	BOARD OF REVIEW 12/15	20.00	
1/5/2010	GENL 31174	FIDLAR COMPANIES	RECEIPT BOOKS	250.52	
1/5/2010	GENL 31175	PITNEY BOWES INC	DECEMBER POSTAGE METER RENTAL	316.00	
1/5/2010	GENL 31176	PITNEY BOWES INC.	SUPPLIES	167.46	
1/5/2010	GENL 31177	STAPLES BUSINESS ADVANTAGE	SUPPLIES	88.78	
1/5/2010	GENL 31178	TERMINIX PROCESSING CENTER	PEST CONTROL	65.00	
1/5/2010	GENL 31179	SUPERIOR TWP PAYROLL FUND	PAYROLL TRANSFER 1/7 PAYROLL	24,310.59	
1/5/2010	GENL 31180	OFFICE EXPRESS	FILE CABINET ACCOUNTANT'S OFFICE	953.99	
1/5/2010	GENL 31181	FRED PRYOR SEMINARS	HR SEMINAR FOR DEBORAH KUEHN	199.00	
1/5/2010	GENL 31182	RICOH AMERICAS CORP	DEC COLOR COPIER PAYMENT	319.18	
1/5/2010	GENL 31183	SHARED SERVICES, LLC	SYNOPSIS 12/10	19.20	
1/5/2010	GENL 31184	SUPERIOR TWP PAYROLL FUND	MERS #2 DEC	2,597.38	

1/5/2010	GENL 31185	SUPERIOR TWP PAYROLL FUND	DEC JOHN HANCOCK	1,081.88	
1/6/2010	GENL 31186	SUPERIOR TWP PAYROLL FUND	DEC HCSP	1,150.00	
1/7/2010	GENL 31187	SUPERIOR TWP PARK FUND	JAN 2010 PARK TRANSFER	18,007.00	
1/7/2010	GENL 31188	MSUE LAPEER COUNTY	AGRICULTURE ZONING SEMINAR	150.00	
1/8/2010	GENL 31189	DTE ELECTRIC	DECEMBER ELECTRICITY	517.43	V
1/8/2010	GENL 31190	DTE GAS	DECEMBER GAS/HEATING BILL	309.67	V
1/8/2010	GENL 31191	DTE ELECTRIC	DECEMBER ELECTRICITY	517.43	
1/8/2010	GENL 31192	DTE GAS	DECEMBER GAS/HEATING BILL	309.67	
1/12/2010	GENL 31193	DTE GAS	DECEMBER GAS/HEATING BILL	350.63	
1/12/2010	GENL 31194	DTE GAS	DECEMBER GAS/HEATING BILL	120.75	
1/12/2010	GENL 31195	JOHN DEERE LANDSCAPES/LESCO	ROCK SALT	73.50	
1/12/2010	GENL 31196	DIANE AHO	MILEAGE PARKING LUNCH AHO	165.30	
1/12/2010	GENL 31197	POSTMASTER	BULK MAIL PERMIT 2010	185.00	
1/12/2010	GENL 31198	AMWAY GRAND PLAZA HOTEL	MTA CONFERENCE LODGING BILL	426.06	
1/12/2010	GENL 31199	AMWAY GRAND PLAZA HOTEL	MTA CONFERENCE LODGING BRENDA	426.06	
1/12/2010	GENL 31200	AUTOMATED RESOURCE MANAGEMENT	PAYROLL PREP DEC	189.35	

TOTAL OF 48 Checks:

TOTAL OF 4 Void Checks:

TOTAL - 52 Checks:

62,179.75  
 -----  
 873.44

63,053.19

FIRE FUND CHECK REGISTER  
 12/22/09 -- 1/14/10

Check Date	Vendor ID	Name	Description	Amount	Voided?
12/23/2009		HOMEDPO HOME DEPOT CREDIT SERVICES	SUPPLIES	130.75	
12/28/2009		DELTA DENT	JAN 2010 DENTAL INSUR	875.61	
12/28/2009		DELTA DENT	JAN 2010 DENTAL INSUR RETIREES	121.95	
12/28/2009		AMERLIFE	JAN 2010 LIFE INSUR	102.15	
12/28/2009		VISIONSER	JAN 2010 VISION INSUR RETIREES	36.75	
12/28/2009		VISIONSER	JAN 2010 VISION INSUR	200.95	
12/29/2009		PRICHEA	JAN 2010 HEALTH INSUR	1,269.37	
12/29/2009		PRICHEA	JAN 2010 HEALTH INSUR	7,993.09	
1/4/2010		BRAMAN	MILEAGE BRAMAN 12/8	33.22	
1/5/2010		SUPPAY	PAYROLL TRANSFER 1/7 PAYROLL	44,575.26	
1/5/2010		SUPPAY	DEC JOHN HANCOCK	591.90	
1/5/2010		SUPPAY	DEC MERS #1 PENSION	4,563.71	
1/6/2010		CAVALIER	TELEPHONE BILL FOR FORD STATION	130.22	
1/6/2010		COMCAST	INTERNET SERVICES FOR FORD STATION	70.95	
1/6/2010		COMCAST	CABLE & INTERNET SERVICES FOR ST #2	176.54	
1/6/2010		CORRIGAN	DIESEL FUEL	822.63	
1/6/2010		DTE-ELECT	DECEMBER ELECTRICITY FOR FORD ROAD	667.71	
1/6/2010		DTE ENERGY	DEC GAS/HEAT & ELECTRICITY FOR ST #2	1,000.04	
1/6/2010		DTE-GAS	DECEMBER GAS/HEATING BILL FOR FORD RO	991.95	
1/6/2010		EMERVEHI	APPARATUS REPAIRS	834.10	
1/6/2010		HURONVAL	DECEMBER PAGER RENTAL	83.30	
1/6/2010		ROBERTS/J	REIMBURSEMENT FOR UNIFORMS	406.82	
1/6/2010		ROBERTS/J	DECEMBER MILEAGE REIMBURSEMENT	154.00	
1/6/2010		NEXTEL-2	DECEMBER CELL PHONES	265.24	
1/6/2010		RICOH	COPIER LEASE PAYMENT	237.22	
1/6/2010		WCMDB	MEDICAL POCKET MANUALS	26.26	
1/6/2010		SUPPAY	DEC 09 HCSP	990.00	
1/7/2010		SUPGENL	JAN 2010 ACCOUNTING FEE	833.33	
1/14/2010		AMERAQU	WATER SOFTENER	108.00	
1/14/2010		BATTERIES	REBUILT BATTERIES	129.98	
1/14/2010		METROUNIF	TROUSERS FOR DICKINSON	113.98	
1/14/2010		RICOH	COPIES FOR COPIER	132.70	
1/14/2010		VONO'SBP	GASOLINE FOR SMALL ENGINES	34.25	

TOTAL OF 33 Checks: 68,703.93

BUILDING FUND  
12/22/09 -- 1/14/10

Bank BUILD BUILDING FUND REGULAR CHECKING

Check Date	Bank/Check #	Name	Description	Amount	Voided?
12/22/2009	BUILD 7469	SUPERIOR TWP GENERAL FUND	CARMEN SALARY SPLIT DEC	1,445.22	
12/23/2009	BUILD 7470	STAPLES BUSINESS ADVANTAGE	SUPPLIES	17.29	
12/23/2009	BUILD 7471	TRI-COUNTY PLUMB INSPECTORS ASSOCIA	2010 DUES FOR MAYERNIK	30.00	
12/23/2009	BUILD 7475	VOID		0.00	V
12/23/2009	BUILD 7476	VOID		0.00	V
12/23/2009	BUILD 7477	VOID		0.00	V
12/23/2009	BUILD 7478	VOID		0.00	V
12/23/2009	BUILD 7479	VOID		0.00	V
12/23/2009	BUILD 7480	NOTE : There was a problem with the last batch of checks we had printed. These numbers were missing.			V
12/23/2009	BUILD 7481	I have a letter from the pritr documenting this.		0.00	V
12/23/2009	BUILD 7482	VOID		0.00	V
12/23/2009	BUILD 7483	VOID		0.00	V
12/23/2009	BUILD 7484	VOID		0.00	V
12/23/2009	BUILD 7485	VOID		0.00	V
12/23/2009	BUILD 7486	VOID		0.00	V
12/23/2009	BUILD 7487	VOID		0.00	V
12/23/2009	BUILD 7488	VOID		0.00	V
12/23/2009	BUILD 7489	VOID		0.00	V
12/23/2009	BUILD 7490	VOID		0.00	V
12/23/2009	BUILD 7491	VOID		0.00	V
12/23/2009	BUILD 7492	VOID		0.00	V
12/23/2009	BUILD 7493	VOID		0.00	V
12/23/2009	BUILD 7494	VOID		0.00	V
12/28/2009	BUILD 7472	DELTA DENTAL	JAN 2010 DENTAL INSUR	336.38	
12/28/2009	BUILD 7473	AMERICAN UNITED LIFE INSURANCE CO.	JAN 2010 LIFE INSUR	28.38	
12/28/2009	BUILD 7474	DELTA DENTAL	JAN 2010 DENTAL INSUR	257.07	
12/28/2009	BUILD 7495	VISION SERVICE PLAN	JAN 2010 VISION INSUR	63.73	
12/29/2009	BUILD 7496	PRIORITY HEALTH	JAN 2010 HEALTH INSUR	1,527.22	
12/29/2009	BUILD 7497	FLEET SERVICES	GASOLINE	182.70	
1/5/2010	BUILD 7498	EDWIN MANIER	12/01/09-12/31/09 ELECTRICAL INSPECT	1,080.00	
1/5/2010	BUILD 7499	STAPLES BUSINESS ADVANTAGE	SUPPLIES	25.95	
1/5/2010	BUILD 7500	SUPERIOR TWP PAYROLL FUND	PAYROLL TRANSFER 1/7 PAYROLL	6,344.44	
1/5/2010	BUILD 7501	SUPERIOR TWP PAYROLL FUND	DEC JOHN HANCOCK	661.92	
1/5/2010	BUILD 7502	SUPERIOR TWP PAYROLL FUND	DEC MERS #2	447.89	
1/6/2010	BUILD 7503	SUPERIOR TWP PAYROLL FUND	DEC 09 HCSP	230.00	
1/11/2010	BUILD 7504	COCM	2010 DUES FOR MAYERNIK & DIEFENB	50.00	

1/11/2010 BUILD 7505 PIAM

2010 MEMBERSHIP DUES FOR MAYERN 75.00

TOTAL OF 17 Checks:

12,803.19

TOTAL OF 20 Void Checks:

0.00

TOTAL - 37 Checks:

12,803.19

01/15/2010  
08:57 am

CHECK REGISTER FOR  
CHECK DATE FROM 12/22/2009 - 01/14/2010  
Bank LAW LAW FUND REGULAR CHECKING

PAGE 1

Check Date	Bank/Check #	Name	Description	Amount	Voiced?
1/5/2010	LAW 2589	STEFANI CARTER J.D. P.C.	NOV LEGAL SERVICES	685.00	
1/7/2010	LAW 2590	SUPERIOR TWP GENERAL FUND	JAN 2010 ACCOUNTING FEE	100.00	
1/8/2010	LAW 2591	DTE ELECTRIC	DECEMBER ELECTRICITY	488.61	
1/8/2010	LAW 2592	DTE GAS	DECEMBER GAS/HEATING BILL	309.66	
TOTAL OF 4 Checks:				1,583.27	

PARK FUND CHECK REGISTER

12/22/09 -- 1/14/10

Bank PARK PARK FUND REGULAR CHECKING

Check Date	Bank/Check #	Name	Description	Amount	Voided?
12/22/2009	PARK 10465	SUPERIOR TWP UTILITY DEPARTMENT	KEITH SALARY SPLIT DEC	2,492.14	
12/23/2009	PARK 10466	VERIZON WIRELESS	CELL PHONE BILL	192.85	
12/28/2009	PARK 10467	DELTA DENTAL	JAN 2010 DENTAL INSUR	21.32	
12/28/2009	PARK 10468	AMERICAN UNITED LIFE INSURANCE CO	JAN 2010 LIFE INSUR	5.68	
12/28/2009	PARK 10469	VISION SERVICE PLAN	JAN 2010 VISION INSUR	5.63	
12/29/2009	PARK 10470	PRIORITY HEALTH	JAN 2010 HEALTH INSUR	198.34	
1/5/2010	PARK 10471	FLEET SERVICES	MONTHLY CARD CHARGE	2.00	
1/5/2010	PARK 10472	HOME DEPOT CREDIT SERVICES	SUPPLIES	276.52	
1/5/2010	PARK 10473	KEITH LOCKIE	MILEAGE REIMBURSEMENT	34.65	
1/5/2010	PARK 10474	LOWE'S COMPANIES, INC.	SUPPLIES	234.40	
1/5/2010	PARK 10475	PETTY CASH	PETTY CASH REIMBURSEMENT	38.93	
1/5/2010	PARK 10476	SUPERIOR TWP PAYROLL FUND	PAYROLL TRANSFER 1/7 PAYROLL	1,868.48	
1/5/2010	PARK 10477	SUPERIOR TWP PAYROLL FUND	DEC JOHN HANCOCK	218.40	
1/5/2010	PARK 10478	SUPERIOR TWP PAYROLL FUND	DEC MERS #2	223.95	
1/6/2010	PARK 10479	STAPLES CREDIT PLAN	SUPPLIES	296.99	
1/6/2010	PARK 10480	SUPERIOR TWP PAYROLL FUND	DEC 09 HCSP	57.50	
1/7/2010	PARK 10481	SUPERIOR TWP GENERAL FUND	JAN 2010 ACCOUNTING FEE	500.00	
1/13/2010	PARK 10482	DTE ELECTRIC	DECEMBER ELECTRICITY - BARN	35.37	
1/13/2010	PARK 10483	JOHN DEERE LANDSCAPES/LESCO	ROCK SALT	73.50	
1/13/2010	PARK 10484	SUPERIOR TWP UTILITY DEPARTMENT	DIESEL FUEL REIMBURSEMENT	95.45	

TOTAL OF 20 Checks:

6,872.10

SUPERIOR TOWNSHIP UTILITY DEPARTMENT  
CHECK REGISTER

DECEMBER 22, 2009 THROUGH JANUARY 19, 2010

8:54 AM  
01/14/10  
ACCRUAL BASIS

DATE	NUM	NAME	MEMO	AMOUNT
100	CASH - O&M			
101	O&M CHECKING - CHASE			
12/22/09	EFT	DELUXE BUSINESS CHECKS & SOLUTIONS	O&M DEPOSIT TICKETS	(72.57)
12/22/09	EFT	SUPERIOR TWP. PAYROLL FUND	PAYROLL - 12/23/09	(18,183.99)
12/22/09	5749	ADVANCE AUTO PARTS	SCRAPER	(9.29)
12/22/09	5750	AMERICAN UNITED LIFE INSURANCE COMPANY	LIFE INSURANCE - 01/10	(96.47)
12/22/09	5751	AT&T	OFFICE FAX AND BOOSTER STATION PHONES-12/09	(72.74)
12/22/09	5752	AUTO-WARES GROUP (AUTO VALUE)	COMPRESSOR OIL	(109.16)
12/22/09	5753	CAVALIER TELEPHONE	PHONES - ADM. BLDG. - 12/09	(420.78)
12/22/09	5754	CHET'S RENT-ALL	MARKING PAINT	(54.00)
12/22/09	5755	ETITLE	REFUND OVERBILLED AMOUNT - 9247 PANAMA	(1,274.26)
12/22/09	5756	GEMPLER'S	PANTS	(154.01)
12/22/09	5757	GRAINGER	LIGHTBULBS	(130.00)
12/22/09	5758	HOME DEPOT	MISC. MAINT. SUPPLIES	(190.38)
12/22/09	5759	MUNICIPAL SUPPLY CO.	CHOKER WIRE	(120.00)
12/22/09	5760	OHM ENGINEERING ADVISORS	GENERAL SERVICES	(1,884.75)
12/22/09	5761	PITNEY BOWES	POSTAGE METER LEASE - 4TH/09	(606.00)
12/22/09	5762	PRIORITY HEALTH	MEDICAL INSURANCE - 01/10	(6,009.69)
12/22/09	5763	STAPLES BUSINESS ADVANTAGE	OFFICE SUPPLIES	(82.63)
12/22/09	5764	VISION SERVICE PLAN	VISION INSURANCE - 01/10	(166.86)
12/22/09	5765	YPSILANTI COMM. UTILITIES AUTHORITY	W/S PURCH.-11/09	(92,267.82)
12/29/09	5766	COMCAST	INTERNET - MAINT. FAC. - 12/09	(79.95)
12/29/09	5767	DELTA DENTAL PLAN OF MICHIGAN	DENTAL INSURANCE - 01/10	(722.16)
12/29/09	5768	DIANA RIVIS	MILEAGE - 11-12/09	(33.00)
12/29/09	5769	DTE	VARIOUS GAS & ELECT. - 12/09	(775.91)
12/29/09	5770	FEDERAL LICENSING, INC.	FCC RULES & REG'S SUBS. - 5 YEARS	(119.00)
12/29/09	5771	KEITH LOCKIE	MILEAGE - 11+12/09	(33.00)
12/29/09	5772	MCI WORLDCOM	OFFICE FAX LONG DIST. - 12/09	(48.41)
12/29/09	5773	NEXTEL COMMUNICATIONS	CELL PHONES - 12/09	(220.77)
12/29/09	5774	RESERVE ACCOUNT	POSTAGE MACHINE REFILL	(400.00)
12/29/09	5775	ZEE MEDICAL, INC.	FIRST AID SUPPLIES	(37.80)
12/29/09	5776	SUPERIOR TWP. UTILITY DEPARTMENT	TRANSFER O&M COVERAGE TO CAP. RES.	(75,000.00)
12/31/09	EFT	MAGIC-WRIGHTER	CREDIT CARD FEES - 12/09	(48.00)
1/5/10	5777	SUPERIOR TWP. GENERAL FUND	ACCOUNTANT -	(166.67)
1/5/10	5778	SUPERIOR TWP. PAYROLL FUND	JOHN HANCOCK PENSION - 12/09	(369.68)
1/5/10	5779	SUPERIOR TWP. PAYROLL FUND	MERS PENSION - 12/09	(2,621.33)
1/5/10	5780	SUPERIOR TWP. PAYROLL FUND	MERS HEALTH SAVINGS - 12/09	(977.50)
1/5/10	5781	AL'S CLEANING SERVICE	ADM. BLDG. CLEANING - 12/02,09,16,23,30/09	(175.00)
1/5/10	5782	ANSWERING SERVICE, INC.	ANSWERING SERVICE - 01/10	(122.48)
1/5/10	5783	BATTERIES PLUS	METER TESTER BATTERIES	(15.98)
1/5/10	5784	CORRIGAN OIL CO.	279.6 GALLONS DIESEL FUEL	(640.00)
1/5/10	5785	DTE	VARIOUS GAS & ELECT. - 12/09	(641.91)
1/5/10	5786	FLEET SERVICES	FUEL CHARGES - 12/09	(305.31)
1/5/10	5787	R. RASCH	ICE MELT	(414.05)
1/5/10	5788	RICK E. CHURCH	MILEAGE - 11/03 - 12/31/09	(108.35)
1/5/10	5789	SAM'S CLUB	BUILDING SUPPLIES	(29.23)

8:54 AM  
 01/14/10  
 ACCRUAL BASIS

SUPERIOR TOWNSHIP UTILITY DEPARTMENT  
 CHECK REGISTER

DECEMBER 22, 2009 THROUGH JANUARY 19, 2010

DATE	NUM	NAME	MEMO	AMOUNT
1/5/10	5790	SAM'S CLUB	HAND TOWELS	(49.76)
1/5/10	5791	WOLVERINE RENTAL	ON/OFF ROCKER SWITCH FOR SNOW PLOW	(14.42)
1/6/10	EFT	SUPERIOR TWP. PAYROLL FUND	PAYROLL - 01/07/10	(18,458.18)
1/11/10	EFT	MAGIC-WRIGHTER	MONTHLY FEE - 12/09	(35.20)
1/12/10	5793	ALL SEASONS LANDSCAPING CO., INC.	HYDRANT PUMP	(33.27)
1/12/10	5794	ANN ARBOR CLEANING SUPPLY CO.	SOAP DISPENSERS - ADM. BLDG.	(62.52)
1/12/10	5795	AUTOWARES GROUP (AUTO VALUE)	OIL & FILTER	(75.57)
1/12/10	5796	CAVALIER TELEPHONE	PHONES - MAINT. FAC. - 01/10	(133.61)
1/12/10	5797	COMCAST	INTERNET - ADM. BLDG. - 01/10	(63.95)
1/12/10	5798	CONGDON'S ACE HARDWARE	SHOP SUPPLIES	(28.84)
1/12/10	5799	DTE	VARIOUS GAS & ELECT. - 12/09	(3,542.36)
1/12/10	5800	FINK & VALVO, PLLC	POTENTIAL LITIGATION - MAINT. FAC.	(288.00)
1/12/10	5801	MICHIGAN SECTION, AWWA	OPERATORS' DAY-HARDING, BORDINE, ALLEN & FOSTER	(260.00)
1/12/10	5802	READING, ETTER & LILLICH	LEGAL FEES - 12/09	(30.00)
1/12/10	5803	RICOH AMERICAS CORPORATION	B+W & COLOR COPIES - 4TH/09	(84.56)
1/12/10	5804	SANGRETA BAKSHI	REIMBURSE PREVIOUS OWNER'S CREDIT BALANCE	(102.91)
1/12/10	5805	UIS PROGRAMMABLE SERVICES	REPLACE RELAY AT SEC. 36 LIFT STA.	(148.48)
TOTAL 101 - O&M CHECKING - CHASE				(229,422.52)
TOTAL 100 - CASH - O&M				(229,422.52)
120 - CASH - CAPITAL RESERVE				
125 - CAP. RES. CHECKING - CHASE				
12/22/09	332	INLAND WATERS POLLUTION CONTROL, INC.	STAMFORD RD. SEWER REHAB	(136,076.09)
TOTAL 125 - CAP. RES. CHECKING - CHASE				(136,076.09)
TOTAL 120 - CASH - CAPITAL RESERVE				(136,076.09)
TOTAL				(365,498.61)