Packet Amendment for October 12, 2021, Regular Township Board Meeting

Business Agenda

Update from Peninsula Township Parks Committee

Tuesday, October 12, 2021

Peninsula Parks Committee

October Update

1. Parks/LIAA Project
    1. Parks Capital and Maintenance forecast meeting Oct 20.
    2. Group presentations for Oct 27 Meeting
        1. Dog Park at Bowers Harbor Expansion
        2. Tree planting at Bowers Harbor Bak
2. Bowers Harbor Baseball Park
    1. Infield grass replacement
        1. $1200 for rental of equipment & purchase seed and fertilizer; volunteer workforce
        2. Option being explored by TC Little League
            1. $7500 tear-out present infield & replacement of infield: TCLL funding being explored
    2. Infield replacement must be done in fall for spring ball season
3. Old Mission Lighthouse Park (DNR)
    1. Hunting is allowed by DNR Lease & Hunting Rules
    2. Purchasing Hiker & Hunting warning signage
    3. ‘ Hikers Beware

       Hunting is Allowed due to DNR Hunting Regulations

       Exercise Caution during Hunting Seasons”
    4. 12 Signs at Hiking entrances : approx 2 ft x 3 ft

Mannor Easement Findings of Fact and Amended Conservation Easement

AMENDMENT TO DEED

OF CONSERVATION EASEMENT

This Amendment to Deed of Conservation Easement ("Conservation Easement") is entered into between the Township of Peninsula ("Township") of 13235 Center Road, Traverse City, Michigan, 49686, and Mannor Properties LLC ("Mannors") of 5628 Fenning Ave SE, Delano, MN 55328.

RECITALS:

1. On September 2, 2000 Russell J. Holmes and Carol A. Holmes, husband and wife, of 17446 Peninsula Drive, Traverse City, Michigan, 49686, made and entered into a Deed of Conservation Easement in favor of Peninsula Township and recorded on September 22, 2000, in Liber1436, Page 269 – 281 at the Grand Traverse County Register of Deeds Office. See attached Exhibit 1

2. On July 30, 2004 Carol A Holmes, survivor of herself and her deceased husband Russell J. Holmes, whose death certificate is recorded in Document 2004R – 11971 Grand Traverse County Records, whose address is 17446, Peninsula Drive, Traverse City, Michigan 49686, conveyed and warranted to Cheryl L. Kroupa, a woman whose address is 3183 Shore

Wood Drive, Traverse City, Michigan 49686 the following premises situated in the Township of Peninsula, County of Grand Traverse and State of Michigan described on the attached Exhibit 2 and recorded on October 13, 2004 in Document 2004R – 18141 at the Grand Traverse County Register of Deeds Office.

3. On April 11, 2017 Carol Holmes Quit Claims Document described on the attached Exhibit 3 recorded on April 12, 2017 in Document 2017R – 06363 at the Grand Traverse County Register of Deeds Office to Cheryl A. Holmes a correction deed to conveyed Document 2004R-18141 to correct legal description.

4. On October 5, 2004 Cheryl L. Kroupa, a woman whose address is P.O. Box 76, Old Mission, Michigan 49673 conveyed and warranted to Garry R. Mannor and Sandi L. Mannor, husband and wife whose address is 9030 Rebecca Park Trail, Rockford, MN 55373-9459, the following premises situated in the Township of Peninsula, County of Grand Traverse and State of Michigan described on the attached Exhibit 4 and recorded on October 13, 2004 in Document 2004R – Page 18142 at the Grand Traverse County Register of Deeds Office.

5. On April 4, 2017 Garry and Sandi Mannor, husband and wife recorded a quit claim deed to parcel number 11-103-009-02 to Mannor Properties, LLC on April 12, 2017 described in Exhibit 5 and recorded on April 4, 2021 in Document 2017R – 06293 at the Grand Traverse County Register of Deeds Office.

6. On April 11, 2017, Carol A Holmes, whose address is 17446, Peninsula Drive, Traverse City, Michigan 49686, conveyed and warranted to Mannor Properties LLC, a Michigan Limited Liability Company whose address is 5628 Fenning Ave SE, Delano, MN 55328, Tax Parcel

28-11-103-009-55 described on the attached Exhibit 6 and recorded on April 12, 2017 in Document 2017R – 06365 at the Grand Traverse County Register of Deeds Office,

7. Pursuant to Purchase of Development Rights Ordinance No. 23 as amended, Mannors as successors in interest to the Grantors, have applied on January 4, 2021 to amend the "EXHIBIT C – PERMITTED STRUCTURES MAP" recorded at LIBER 1436 PAGE 281 to eliminate the Reserved Residential Building Site and replace it with the Revised Building Site located on the following described parcels 28-11-103-009-02 and 28-11-103-009-55 described in Exhibit 7.

8 On February 9, 2021 the Township Board for the Township held a public hearing and adopted a resolution and findings approving of the Mannors request to move the reserved dwelling site from Parcel 11-103-009-02 to Parcel 11-103-009-55 a copy of which is attached as Exhibit 8. A second review by the Township Board of the decision and draft revised findings was confirmed on July 13, 2021 reviewed findings shown as Exhibit 9. The final findings were adopted by the Township Board at a public meeting on _____ 2021 and attached as Exhibit 10.

NOW, THEREFORE, the parties hereby agree that the former reserved dwelling site identified as "REMOVED SITE" and the relocated site as "AMENDED SITE" on the sheet titled AMENDED EXHIBIT C - PERMITTED STRUCTURES MAP as shown on Exhibit 11

IN ALL OTHER RESPECTS, the parties hereto confirm and ratify the Deed of Conservation Easement executed by the parties on September 21, 2000.

IN WITNESS WHEROF, the parties have caused this Amendment to Deed of Conservation Easement the day and year first above written.

MANNORS:

_____

Garry R. Mannor

_____

Sandi L. Mannor

TOWNSHIP

_____

Robert K. Manigold, Supervisor

_____

Rebecca Chown, Clerk

State of Michigan)

) ss.

County of Grand Traverse)

The foregoing instrument was acknowledged before me this _____day of August, 2021, by Garry R. Mannor and Sandi L. Mannor, husband and wife.

_____

, Notary Public

Grand Traverse County, Michigan

My commission expires:

State of Michigan)

) ss.

County of Grand Traverse)

The foregoing instrument was acknowledged before me this ____ day of August, 2021 by Robert K. Manigold and Rebecca Chown, Supervisor and Clerk, respectively, of the Township of Peninsula, a quasi-municipal corporation, on behalf of the Township.

_____

, Notary Public

Grand Traverse County, Michigan

My commission expires:

Prepared by and return to:

Foley & Mansfield, Detroit Law Office

By: Gregory M Meihn, Partner

130 East Nine Mile Road

Ferndale, MI 48220

EXHIBIT 1

103-009-03
103-009-00
103-009-02

LIBER 1436 PAGE 269

STATE OF MICHIGAN
GRAND TRAVERSE COUNTY
RECORDED

22 SEP 2000 12:25 PM

KARON ANDERSON
REGISTER OF DEEDS

STATE OF MICHIGAN
GRAND TRAVERSE
22 SEP 2000
5

REAL ESTATE TRANSFER TAX
$ 312.40-CO
$ 2130.00-ST
#100023659

290145

DEED OF CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT ("Easement") is made and entered into this 21st day of September, 2000, by and between **RUSSELL J. HOLMES** and **CAROL A. HOLMES**, husband and wife, of 17446 Peninsula Drive, Traverse City, Michigan, 48686, (the "Grantors") in favor of **PENINSULA TOWNSHIP**, a quasi-municipal corporation, of Grand Traverse County, Michigan, having an address of 13235 Center Road, Traverse City, Michigan, 49686-8560 ("Grantee").

WITNESSETH:

WHEREAS, Grantors are the sole owners in fee simple of certain real property located in Peninsula Township, Grand Traverse County, Michigan, more particularly described in Exhibit "A" attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the Property possesses agricultural, scenic, and open-space values (collectively, "conservation values") of great importance to Grantors, Peninsula Township, the people of Grand Traverse County and the people of the State of Michigan; and

WHEREAS, the Property is located within Peninsula Township, a community with an agricultural-based economy in an area presently experiencing rapid development, including the subdivision of prime farmland; and

WHEREAS, maintaining the scenic and rural beauty of the area along with preserving the agricultural industry of Peninsula Township is an important planning goal of Peninsula Township and area residents; and

WHEREAS, the Township Board has made specific findings of fact regarding the importance of protecting the conservation values of certain lands within Peninsula Township and the citizens of Peninsula Township, through their Township Board, have established Peninsula Township Purchase of Development Rights Ordinance No. 23 (the "Ordinance") to acquire, through voluntary participation of Grantor, an interest in the Property for the protection of conservation values; and

WHEREAS, the Grantors recognize that the Property has been identified as Farmland and/or Open Space Land as defined in the Ordinance; and

EXHIBIT 'A'

Premises situated in the Township of Peninsula, County of Grand Traverse and State of Michigan, more fully described as:

That part of the Southwest 1/4 of Section 3, Town 29 North, Range 10 West, described as: Commencing at the West 1/4 corner of said Section 3; thence North 89°19'52" East, along the East and West 1/4 line of said section, 665.00 feet to the Point of Beginning; thence continuing North 89°19'52" East, along said East and West 1/4 line of said section, 2059.25 feet to the North and South 1/4 line of said section; thence South, along the North and South 1/4 line of said section, 558.52 feet; thence West, 220.00 feet; thence South, 198.00 feet; thence East, 220.00 feet to the North and South 1/4 line of said section; thence south, along said North and South 1/4 line, 613.80 feet to the South 1/8 line of said section; thence South 89°41'59" West, along said South 1/8 line, 2377.25 feet; thence North 00°04'41" West, 700.00 feet; thence North 89°30'58" East, 322.30 feet; thence North 00°16'52" West, 656.00 feet to the Point of Beginning.

PERMITTED STRUCTURES MAP

1436 PAGE 281

EXHIBIT C

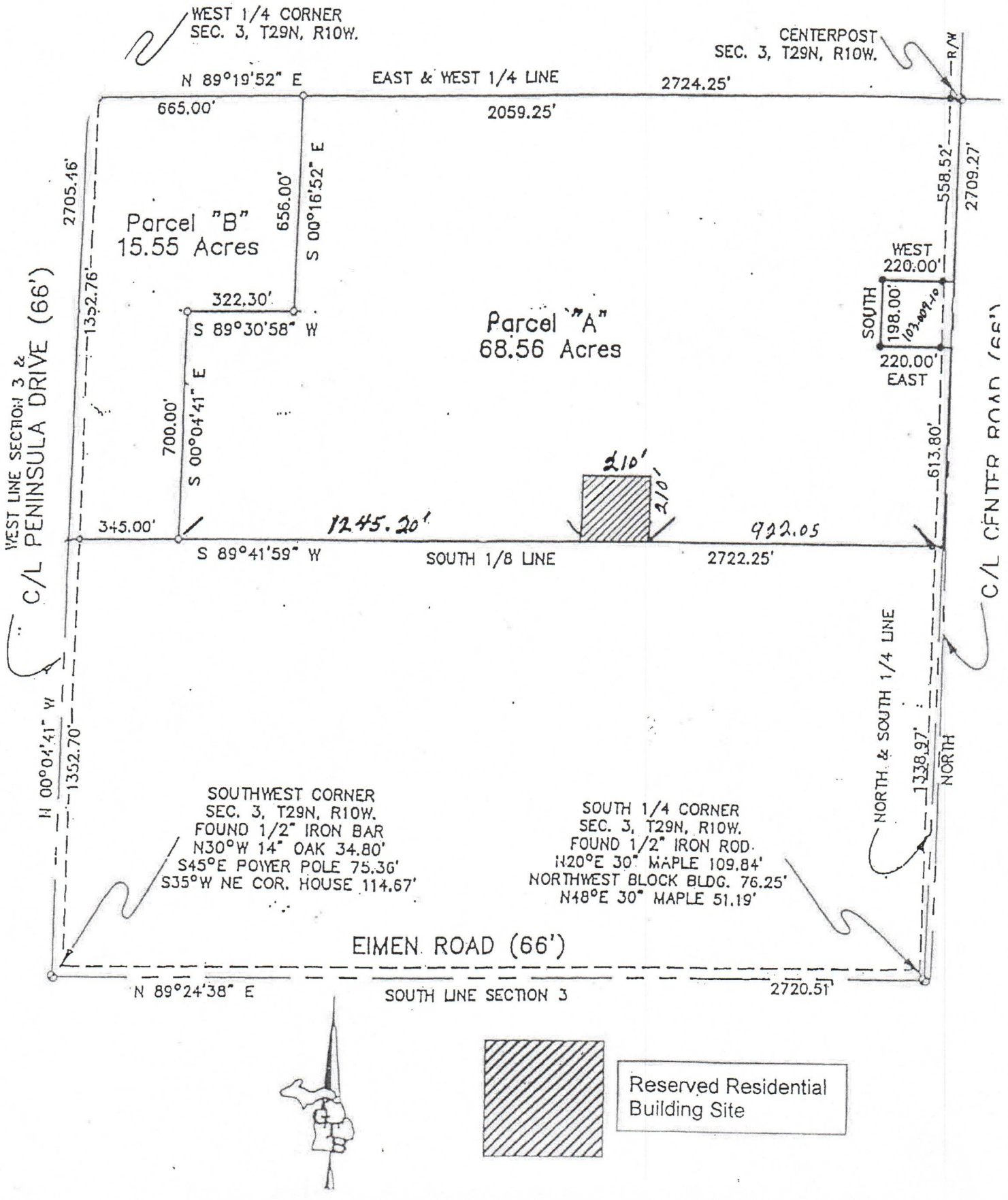

EXHIBIT 2

2+1

MICHIGAN REAL ESTATE
TRANSFER TAX
GRAND TRAVERSE COUNTY, MI
2004R-18141 13 Oct 2004
00002008
$ 385.00 C $ 2625.00 S

2004R-18141

STATE OF MICHIGAN
GRAND TRAVERSE COUNTY
RECORD

10/13/2004 09:07:11AM

PAGE 1 OF 2
TXID 11683

PEGGY HAINES
REGISTER OF DEEDS

X0

Parcel # 28-11-103-009-02 By _____
STATE OF MICHIGAN, County of Grand Traverse, at Traverse City _____. I hereby certify that there are no Tax liens or Titles held by the State of any individual against the within description, and all taxes on same are paid for five years previous to the date of the instrument as appears by the records in my office. This does not cover taxes in the process of collection by Township, City or Village 10/13/2004 Grand Traverse County, Treasurer

WARRANTY DEED

The Grantor(s) CAROL A. HOLMES, survivor of herself and her deceased husband, RUSSELL J. HOLMES, whose death certificate is recorded in DOCUMENT 2004R-11971 Grand Traverse County Records.

whose address is 17446 Peninsula Drive, Traverse City, MI 49686

convey(s) and warrant(s) to CHERYL L. KROUPA, a woman

whose address is 3183 Shore Wood Drive, Traverse City, MI 49686

the following described premises situated in the Township of Peninsula, County of Grand Traverse and State of Michigan:

See attached Exhibit A for legal description

for the sum of THREE HUNDRED FIFTY THOUSAND ($350,000.00) DOLLARS——

Subject to easements and building restrictions of record and further subject to reservations and other restrictions of record. Further subject to a certain land contract dated September 26, 2000, pursuant to which this deed is given.
Subject to oil, gas and mineral rights severed by grant, reservation or lease.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

The Grantor(s) grants to the Grantee 2 available divisions under Section 108 of the Land Division Act, Act No. 288 of Public Acts of 1997.

Dated this 30th day of July, 2004

Signed in the presence of:

Loretta J Bush

Signed by:

Carol A Holmes
CAROL A. HOLMES

STATE OF MICHIGAN

COUNTY OF GRAND TRAVERSE

The foregoing instrument was acknowledged before me this 30th day of July, 2004, by CAROL A. HOLMES.

LORETTA J. BUSH
NOTARY PUBLIC STATE OF MICHIGAN
GRAND TRAVERSE COUNTY
MY COMMISSION EXP: APR 22, 2005

Loretta J Bush
Notary Public:
_____ County, Michigan
My Commission Expires: _____

When Recorded Return To:
Grantee

Drafted By:
Robert H. Witkop, Esq.
ROBERT H. WITKOP & ASSOC., P.C.
522 East Front Street
Traverse City, MI 49686
(231) 946-4300

TAX PARCEL #_____ Recd Fee: $18.00 Transfer Tax $3,010.00

HOLMES KROUPA WD:D2

EXHIBIT "A"

Parcel "A–2"
That part of the Southwest 1/4 of Section 3, Township 29 North, Range 10 West, described as: Commencing at the West 1/4 corner of said Section 3, thence North 89°19'52" East, along the East & West 1/4 line of said section, 665.00 feet to the Point of Beginning; thence continuing North 89°19'52" East, along said East & West 1/4 line, 2059.25 feet to the North South 1/4 line of said section; thence South along said North & South 1/4 line, 558.52 feet; thence West, 1133.15 feet; thence South 00°04'41" East, 113.72 feet; thence South 89°30'58" West, 922.92 feet; thence North 00°16'52" West, 656.00 feet to the Point of Beginning. Containing 28.31 acres of land. Subject to the right–of–way for Center Road over the Easterly portion thereof. Also Subject to easements, right–of–ways, reservations and restrictions of record.

EXHIBIT 3

2017R-06363
STATE OF MICHIGAN
GRAND TRAVERSE COUNTY
RECORDED 4:04:35 PM
04/12/2017 PAGE 1 OF 3
PEGGY HAINES REGISTER OF DEEDS

Parcel # 28-11-103-009-02 By TB
STATE OF MICHIGAN, County of Grand Traverse at Traverse City _____ I hereby certify that there are no Tax Liens or Titles held by the State of any individual against the within description, and all taxes on same are paid for five years previous to the date of the instrument as appears by the records in my office. This does not cover taxes in the process of [illegible]ctions by Township, City or Village 4/12/17 Grand Traverse County, Treasurer

QUIT CLAIM DEED

S. Gruden

KNOW ALL PERSONS BY THESE PRESENTS: That Carol A. Holmes, survivor of herself and her deceased huband Russell J. Holmes, whose death certificate is recorded in Document 2004R-11971, Grand Traverse County Records

whose address is 17446 Peninsula Drive, Traverse City, MI 49686

Quit Claim(s) to Cheryl L. Kroupa

whose address is 3183 Shore Wood Drive, Traverse City, MI 49686

the following described premises situated in the Township of Peninsula, County of Grand Traverse, State of Michigan:

SEE ATTACHED EXHIBIT "A"

This Quit Claim Deed is provided to correct legal description that was conveyed in Document 2004R-18141. was previously recorded as A-2 twice. dd. in prior deeds.

Dated this 4-11-17

Carol A. Holmes

Carol A. Holmes, survivor of herself and her deceased huband Russell J. Holmes, whose death certificate is recorded in Document 2004R-11971, Grand Traverse County Records

APR 12 '17 AM 11:04

EXHIBIT 4

14.

MICHIGAN REAL ESTATE
TRANSFER TAX
GRAND TRAVERSE COUNTY, MI
2004R-18142 13 Oct 2004
00002009
$ 275.00 C $ 1875.00 S

103-009-02

2004R-18142

STATE OF MICHIGAN
GRAND TRAVERSE COUNTY
RECORD

10/13/2004 09:07:12AM

PAGE 1 OF 1
TXID 11603

PEGGY HAINES
REGISTER OF DEEDS

2/2

Parcel # 28 11 103 009 02 By _____
STATE OF MICHIGAN, County of Grand Traverse, at Traverse City I hereby certify that there are no Tax liens or Titles held by the State of any individual against the within description and all taxes on same are paid for five years previous to the date of the instrument as appears by the records in my office. This does not cover taxes in the process of collection by Township, City or Village 10/13/2004 Grand Traverse County, Treasurer

WARRANTY DEED - (INDIVIDUAL)

Know all men by these presents; that **CHERYL L. KROUPA, A WOMAN** whose address is **P.O. BOX 76, OLD MISSION, MI 49673** convey(s) and warrant(s) to **GARRY R. MANNOR and SANDI L. MANNOR, HUSBAND AND WIFE** whose address is **9030 REBECCA PARK TRAIL, ROCKFORD, MN 55373-9459** the following described premises:

LAND SITUATED IN THE TOWNSHIP OF **PENINSULA**, COUNTY OF **GRAND TRAVERSE**, STATE OF MICHIGAN
TAX PARCEL NUMBER: **Pt 28 11 103 009 00**

PARCEL "A-1"

That part of the Southwest 1/4 of Section 3, Town 29 North, Range 10 West, described as: Commencing at the South 1/4 corner of said Section 3; thence North, along the North and South 1/4 line of said section, 1338.97 feet to the Point of Beginning; thence continuing North, along said North and South 1/4 line, 613.78 feet; thence West, 220.00 feet; thence North 198.00 feet; thence West, 913.15 feet; thence South 00°04'41" East, 817.71 feet to the South 1/8 line of said Section; thence North 89°41'59" East, along said South 1/8 line, 1132.05 feet to the Point of Beginning.

for the full consideration of **Two Hundred Fifty Thousand And 00/100**, subject to building and use restrictions, reservations and easements of record, if any.

THIS INSTRUMENT IS GIVEN IN FULFILLMENT OF A LAND CONTRACT DATED **SEPTEMBER 22, 2000** BETWEEN THE ABOVE NAMED PARTIES. GRANTOR LIMITS ITS WARRANTIES AFTER DATE OF SAID CONTRACT TO ITS OWN ACTION.

THIS PROPERTY MAY BE LOCATED WITHIN THE VICINITY OF FARMLAND OR A FARM OPERATION. GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES WHICH MAY GENERATE NOISE, DUST, ODORS, AND OTHER ASSOCIATED CONDITIONS MAY BE USED AND ARE PROTECTED BY THE MICHIGAN RIGHT TO FARM ACT.

THE GRANTOR GRANTS TO THE GRANTEE THE RIGHT TO MAKE 0 DIVISION(S) UNDER SECTION 108 OF THE LAND DIVISION ACT, ACT NO. 288 OF THE PUBLIC ACTS OF 1967.

Dated:

Cheryl L Kroupa
CHERYL L. KROUPA

STATE OF MICHIGAN)
) ss.
COUNTY OF **GRAND TRAVERSE**)

On this the 5th day of October 04 before me personally appeared **CHERYL L. KROUPA** to me known to be the person(s) described in and who executed the foregoing instrument acknowledged that she executed the same as her free act and deed.

Robyn R Schrader
, Notary Public

ROBYN R. SCHRADER
NOTARY PUBLIC
BENZIE COUNTY, MICHIGAN
ACTING IN GRAND TRAVERSE COUNTY
MY COMMISSION EXPIRES: MAY 27, 2006

My commission expires

Instrument drafted by: **CHERYL L. KROUPA ASSISTED BY GRAND TRAVERSE TITLE - SMG**
116 BOARDMAN AVENUE, TRAVERSE CITY, MI 49684

When recorded return to: **GRANTEE**

EXHIBIT 5

103-009-02

ERECORDING
2017R-06293
STATE OF MICHIGAN
GRAND TRAVERSE COUNTY
RECORDED 10:45:40 AM
04/12/2017
PAGE 1 OF 2
PEGGY HAINES
REGISTER OF DEEDS

QUIT CLAIM DEED

GRANTOR(S): ~~GARRY~~ & SANDI MANNOR, husband & wife

5628 FENNING AVE SE, DELANO, MN 55328

Quit Claim to

GRANTEE(S): MANNOR PROPERTIES, LLC

Whose address is: 5628 FENNING AVE SE, DELANO, MN 55328

Certain real property in the State of Michigan, County of Grand Traverse, Township of OLD MISSION / PENINSULA TOWNSHIP **legally described as follows:**

PARCEL NUMBER 11-103-009-02
SEE ATTACHED RECORD DETAILS FOR LEGAL DESCRIPTION

For less than $100.00. This instrument is exempt from transfer tax pursuant to MCL 207.526(a) and MCL 207505(a).

SIGNATURE(S) GRANTOR(S):

X _____ printed name: GARRY R. MANNOR

X Sandi Mannor printed name: SANDI MANNOR

STATE OF ~~MICHIGAN~~ Minnesota

COUNTY OF Hennepin

On this 4th day of April, 2017, before me personally appeared Garry R. & Sandi Mannor who identified themselves to me, signed this instrument and acknowledged the same to be their free act and deed.

_____
Notary Public Signature & printed name
Summerannie Vesely
Anoka County, ~~Michigan~~ Minnesota

(Notarial Stamp) SUMMERANNIE VESELY
NOTARY PUBLIC - MINNESOTA
My Commission Expires
January 31, 2020

Drafted by:

Acting in: Hennepin County, Minnesota

My Commission Expires: 01/31/2020

QCD NEW 08 2016

LEGAL

That part of the Southwest 1/4 of Section 3, Town 29 North, Range 10 West, described as: Commencing at the South 1/4 corner of said Section 3; thence North, along the North and South 1/4 line of said section, 1338.97 feet to the Point of Beginning; thence continuing North, along said North and South 1/4 line, 613.78 feet; thence West, 220.00 feet; thence North 198.00 feet; thence West, 913.15 feet; thence South 00°04'41" East, 817.71 feet to the South 1/8 line of said Section; thence North 89°41'59" East, along said South 1/8 line, 1132.05 feet to the Point of Beginning.

EXHIBIT 6

STATE OF MICHIGAN

REAL ESTATE TRANSFER TAX

Grand Traverse Co
04/12/2017
2017R-06365

$264.00 CO
$1800.00 ST
TTX# 4121847

8226223
Tx:4121847

Parcel# 28-11-103-009-55 By RH

STATE OF MICHIGAN, County of Grand Traverse at Traverse City ____ I hereby certify that there are no Tax Liens or Titles held by the State of any individual against the within description, and all taxes on same are paid for five years previous to the date of this instrument as appears by the records in my office. This does not cover taxes in the process of collections by Township, City or Village 4/12/17 Grand Traverse County, Treasurer

2017R-06365
STATE OF MICHIGAN
GRAND TRAVERSE COUNTY
RECORDED 4:36:54 PM
04/12/2017 PAGE 1 OF 3
PEGGY HAINES REGISTER OF DEEDS

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: That Carol A. Holmes
whose address is 17446 Peninsula Drive Traverse City, MI 49686

Convey(s) and Warrant(s) to Mannor Properties LLC, a Michigan Limited Liability Company
whose address is 5628 Fenning Ave SE, Delano, MN 55328

the following described premises situated in the Township of Peninsula, County of Grand Traverse, and State of Michigan to-wit:

SEE ATTACHED EXHIBIT "A"

Commonly known as: V/L Peninsula Drive, Traverse City, MI 49686
Tax Parcel # 28-11-103-009-55

for the consideration of: Two Hundred Forty Thousand and 00/100 Dollars ($240,000.00)

subject to easement, use, building, and other restrictions of record, if any.

This property may be located within the vicinity of farmland or farm operations. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan right to farm act.

The grantor grants to the grantee the right to make All division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

Dated: April 11, 2017

Signed and Sealed:

Carol A. Holmes

APR 12'17 PM 3:52

Exhibit "A"

Land situated in the Township of Peninsula, County of Grand Traverse, State of Michigan, more fully described as:

That part of the Southwest 1/4 of Section 3, Township 29 North, Range 10 West, described as: Commencing at the West 1/4 corner of said Section 3; thence South along centerline of Peninsula Drive 653.77 feet to Point of Beginning; thence continuing South along said centerline 698.82 feet to South 1/8 line; thence North 89°41' East 345 feet; thence North 700 feet; thence South 89°30' West 345 feet to Point of Beginning.

AND

PARCEL "A-3"
That part of the Southwest 1/4 of Section 3, Township 29 North, Range 10 West, described as: Commencing at the West 1/4 corner of said Section 3; thence South 00°04'41" East, along the West line of said section and the centerline of Peninsula Drive, 653.77 feet; thence North 89°30'58" East, 345.00 feet to the Point of Beginning; thence continuing North 89°30'58" East 1245.22 feet; thence South 00°04'41" East, 703.99 feet to the South 1/8 line of said section; thence South 89°41'59" West along said South 1/8 line, 1245.20 feet; thence North 00°04'41" West, 700.00 feet to the Point of Beginning.

28-11-103-009-55

EXHIBIT 7

PERMITTED STRUCTURES MAP

LIBER 1436 PAGE 281

EXHIBIT C

Township Board 2/9/21

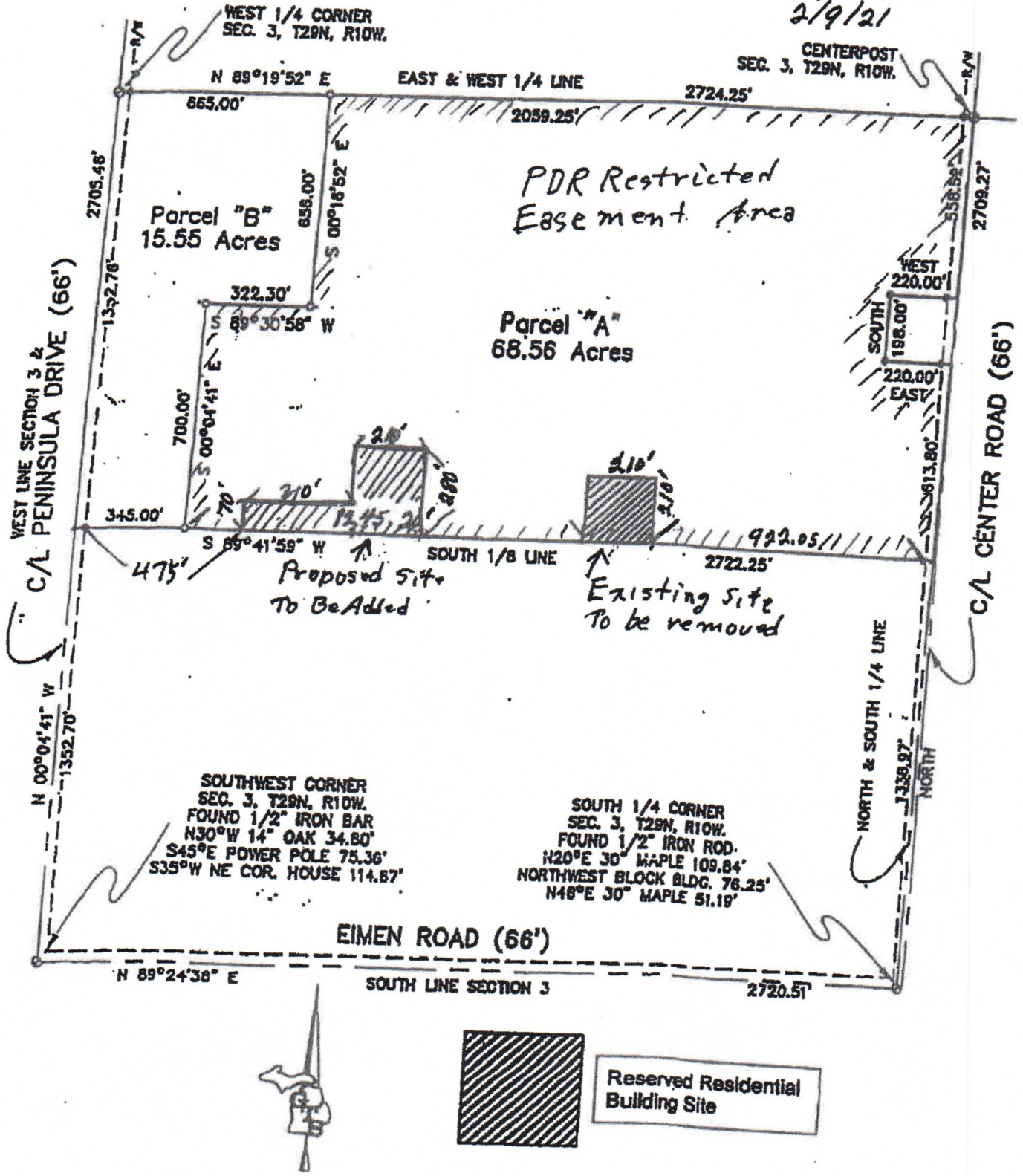

EXHIBIT 8

PENINSULA TOWNSHIP BOARD

Meeting Date: February 9, 2021

RESOLUTION 2021-02-09 #1

RESOLUTION TO AMEND A CONSERVATION EASEMENT – Mannor Properties LLC Request

WHEREAS, on May 4, 1994, ORDINANCE #23 PURCHASE OF DEVELOPMENT RIGHTS was adopted by the Peninsula Township Board of Trustees and subsequently amended on August 25, 2003, to provide a process for amending easements; and

WHEREAS, a Deed of Conservation Easement was made and entered into on September 21, 2000, between Russell and Carol Holmes in favor of Peninsula Township and recorded on September 22, 2000, at LIBER1436 PAGE 269; and

WHEREAS, a portion of the Holmes property (parcel 103-009-55) was sold to Mannor Properties LLC on April 11, 2017 recorded at 2004R-0635 ; (attachment 1) and

WHEREAS, a portion of the Holmes property (parcel 103-009-02) was sold to Cheryl Kroupa on July 30, 2004, recorded at 2004R-18141 , (attachment 2) who then sold it Garry R Mannor and Sandi L. Mannor on October 5, 2004 recorded at 2004R-18142; (attachment 3) and

WHEREAS, on January 5, 2021, Peninsula Township and Clerk Becky Chown received a request from Mannor Properties LLC to amend the "EXHIBIT C – PERMITTED STRUCTURES MAP" recorded at LIBER 1436 PAGE 281 (attachment 4) to eliminate the Reserved Residential Building Site and replace it with the Revised Building Site (attachments 5 and 6) pursuant to Section 8B of the PDR ordinance No 23 dated May 4, 1994, amended August 25, 2003, (attachment 8) and;

WHEREAS, Section 8B(4), Application Costs, states:

a. The township shall not be responsible for any expenses incident to the request for amendment;
b. All costs associated with the requested amendment, including appraisals, attorney fees, and publication fees, shall be paid by the applicant;
c. Prior to undertaking any direct expenses related to the request, the township board shall require a deposit to cover the estimated costs associated with consideration of the request with all unexpended funds returned to the applicant; and

WHEREAS, the estimated costs associated with the Mannor Properties LLC requested amendment, including appraisals, attorney fees, consultant fees, and publication fees totaling $1,600.00, shall be paid by the applicant prior to the township undertaking any direct expenses related to the request; and

WHEREAS, the township board adopts the following findings pursuant to Section (5)
(5) Standards. An amendment to a conservation easement shall not be granted by the township board if the amendment causes any of the conditions set forth in Section 8B(5)a. i-vii to occur unless a finding is made that the standards in both Section 8B.(5) b. and c. have been satisfied:

(5)a

i. The amendment increases the number of future dwelling units.

The township board finds that the Permitted Structures Map on liber 1436 page 281 shows one reserved residential building site on current parcel 103-009-02 that will be deleted and a new location that will be created at a location on the westerly portion of the easement area on current parcel 103-009-55. (attachment 5)

ii. The amendment increases the probability of parcel fragmentation.

The township board finds that the relocated building site will not increase the probability of parcel fragmentation as it is adjacent to a non-restricted area of the parcel.

iii. The amendment results in a scattering of residences more than prior to the amendment.

The township board finds that the relocated site will be adjacent to nearby residences on adjacent parcels while the current site is adjacent to land being farmed.

iv. The amendment increases the amount of driveway across prime and unique agricultural land necessary to access dwellings.

The township board finds that the current site is on land that is unique agricultural land and about 922 feet from Center Road while the relocated site is about 478 feet from Peninsula Drive and the driveway is not prime or unique agricultural land.

v. The amendment reduces the net amount or quality of productive agricultural land as a result of the amendment.

The township board finds that there will be a net increase in unique agricultural land of at least one acre.

vi. The amended building sites interfere with air drainage.

The township board finds that the new building site is in a lower area adjacent to mature woodlands.

vii. The amendment results in new buildings located in identified scenic views.

The township board finds the Prime Scenic View Map does not show a scenic view at the new building site.

WHEREAS, a regular township board public hearing was held on February 9, 2021, with the following members present:_____; now

THEREFORE, BE IT RESOLVED THAT:

1. The above findings are adopted;
2. The standards of Ordinance No. 23, Section 8B (subsections 1 through 5 are met);
3. The appraisal by Nichols Appraisal Services dated January 18, 2021 (attachment 7) submitted by the applicant is accepted and shows a decreased value of $31,000 in the new residential building site compared to the original site and meets the requirements of subsection (6);

4. The township board requires a deposit of $1,600.00 from the applicant to cover the estimated costs associated with consideration of the request(attachment 9);
5. The township treasurer shall place the deposit in an escrow account with all costs associated with the application to be deducted, including but not limited to recording fees, attorney expenses, and any referendum that might occur related to the transfer, with all unexpended funds returned to the applicant as required in subsection (4)c.; likewise, the clerk shall bill the applicant for any costs above the escrowed amount as required in subsection (4)b.;
6. The township clerk shall publish the decision to amend the conservation easement in the same manner as an amendment to the township's zoning ordinance as required in subsection (7);
7. A decision by the township board to amend a conservation easement is subject to a referendum with the same standards and procedures for a referendum on a zoning ordinance amendment with a a petition for referendum staying any action until the decision has been approved by the voters as required in subsection (8);
8. The clerk shall have the approved amendment that is no longer subject to referendum or unpaid bills recorded at the Grand Traverse County Register of Deeds office along with the written findings that explain the reasons for the amendment as required in subsection (9).

MOTION to approve the above amendment to the conservation easement along with the findings and conditions stated.

Motion by _____, second by _____

AYES: _____

NAYS: _____

ABSTAIN: _____

_____
Becky Chown,
Peninsula Township Clerk

I hereby attest that the foregoing resolution was adopted at the regular meeting of the Peninsula Township Board of Trustees on February 9, 2021, at 7:00 p.m. at the Peninsula Township Hall, 13235 Center Road, Traverse City, MI 49686.

_____
Becky Chown,
Peninsula Township Clerk

EXHIBIT 9

Mannor Conservation Easement Findings reviewed at a public meeting of the Township Board on July 13, 2021.

PDR Ordinance 23, Section 8.B.
(5) Standards. An amendment to a conservation easement shall not be granted by the township board if the amendment causes any of the conditions set forth in Section 8B(5)a. i-vii to occur unless a finding is made that the standards in both Section 8B.(5) b. and c. have been satisfied:
(5)a

i. The amendment increases the number of future dwelling units.
The township board finds that the Permitted Structures Map on liber 1436 page 281 shows one reserved residential building site on current parcel 103-009-02 that will be deleted and a new location that will be created at a location on the westerly portion of the easement area on current parcel 103-009-55.

ii. The amendment increases the probability of parcel fragmentation.
The township board finds that the relocated building site will not increase the probability of parcel fragmentation as it is adjacent to a non-restricted area of the parcel.

iii. The amendment results in a scattering of residences more than prior to the amendment.
The township board finds that the relocated site will be adjacent to nearby residences on adjacent parcels while the current site is adjacent to land being farmed.

iv. The amendment increases the amount of driveway across prime and unique agricultural land necessary to access dwellings.
The township board finds that the current site is on land that is unique agricultural land and about 922 feet from Center Road while the relocated site is about 478 feet from Peninsula Drive and the driveway is not prime or unique agricultural land.

v. The amendment reduces the net amount or quality of productive agricultural land as a result of the amendment.
The township board finds that there will be a net increase in unique agricultural land of at least one acre.

vi. The amended building sites interfere with air drainage.
The township board finds that the new building site is in a lower area adjacent to mature woodlands.

vii. The amendment results in new buildings located in identified scenic views.
The township board finds the Prime Scenic View Map does not show a scenic view at the new building site.

b. The possible adverse effects on adjacent property, particularly adverse visual effects on adjacent conservation easement parcels, shall be determined to be less than the positive benefits of the proposed amendment.

The residential building site was located in a scenic view in the largest contiguous block of PDR restricted farmland in the township.

c. The amendment enhances the Conservation Easement program as described in the Findings and Declaration of Purpose in the Ordinance. Examples of enhancement include:

a residence or reserved building is moved from the current location to a location further away from land being actively farmed;

The reserved site location was about in the middle of active production on the Mannor property and active production on the abutting properties both north and south.

The amended building site is further away from land being actively farmed.

a residence or future building site is moved and placed in an area of existing buildings;

The amended building site is placed in an area of existing buildings.

an existing building is moved from a prime scenic view and relocated to another site that is out of prime scenic view;

The reserved site was located in a scenic view in the largest contiguous block of PDR restricted farmland in the township.

a building or reserved building site is moved from a location that creates an adverse impact on farming operations due to its location or access to a site that has less of an adverse impact;

The reserved site location was about in the middle of active production on the Mannor property and active production on the abutting properties both north and south.

the amendment will result in a larger block of agricultural land without an existing residence or future building site.

The township board finds there was a net increase in unique agricultural land of at least one acre.

EXHIBIT 10

To Be Added
Pending Twp Bd.
Final Findings

Mannor Conservation Easement Findings - NEW DRAFT SEPTEMBER 2021

PDR Ordinance 23, Section 8.B.

(5) Standards. An amendment to a conservation easement shall not be granted by the township board if the amendment causes any of the conditions set forth in Section 8B(S)a. 1-v11 to occur unless a finding is made that the standards in both Section 8B.(5} b. and c. have been satisfied:

(S) a

i. The amendment increases the number of future dwelling units.

The township board finds that the Permitted Structures Map on liber 1436 page 281 shows one reserved residential building site on current parcel 103-009-02 that will be deleted and a new location that will be created at a location on the westerly portion of the easement area on current parcel 103-009-55.

ii. The amendment increases the probability of parcel fragmentation.

The township board finds that the relocated building site will not increase the probability of parcel fragmentation as it is adjacent to a non-restricted area of the parcel.

iii. The amendment results in a scattering of residences more than prior to the amendment.

The township board finds that the relocated site will be adjacent to nearby residences on adjacent parcels while the current site is adjacent to land being farmed without adjacent residences, resulting in less scattering of residences.

iv. The amendment increases the amount of driveway across prime and unique agricultural land necessary to access dwellings.

The township board finds that the current site is on land that is unique agricultural land and about 922 feet from Center Road while the relocated site is about 478 feet from Peninsula Drive, reducing the amount of driveway on agricultural land.

v. The amendment reduces the net amount or quality of productive agricultural land as a result of the amendment.

The township board finds that there will be a decrease in the net amount of available agricultural land on this parcel and therefore recognizes the need for assessment in section 8B.(5) b. and c.

vi. The amended building sites interfere with air drainage.

The township board finds that the new building site is in a lower area adjacent to mature woodlands to the east, unfarmed overgrown low land to the south, unfarmed low land to the north. This location should not interfere with drainage to any significant degree.

vii. The amendment results in new buildings located in identified scenic views.

The township board finds both locations are in the Prime Scenic View Map, however the old site is clearly visible from all four public roads and the new site is visible from only 2 public roads resulting in less impact on view sheds. Additionally, there will be no net increase in the number of buildings in the Prime Scenic View.

b. The possible adverse effects on adjacent property, particularly adverse visual effects on adjacent conservation easement parcels, shall be determined to be less than the positive benefitsof the proposed amendment.

The residential building site was located in the highest and most visible location adjacent to conservation easement parcels to both the north and south. While the new location is significantly lower and less visible to both adjacent parcels. In addition to this adverse visual effect the original residential building site is directly adjacent to land being actively farmed, where a resident would be highly impacted by farm operations on the adjacent parcel, opening the potential for residential - agricultural conflicts. While the new location is adjacent to maturewoodlands to the east, unfarmed overgrown low land to the south and unfarmed low land to the north, where conflict between residents and agriculture are significantly less likely.

c. The amendment enhances the Conservation Easement program as described in the Findings and Declaration of Purpose inthe Ordinance.

The township board finds that of the listed potential examples of ways an amendment may enhance the Conservation Easement program a number apply, resulting in an enhancement of the Conservation Easement program. They are addressed below:

Examples of enhancement include:

a residence or reserved building is moved from the current location to a location further away from land being actively farmed;

The reserved site location was about in the middle of active production on the Mannor property and active production on the abutting property to the south.

The amended building site is further away from land being actively farmed, adjacent to maturewoodlands to the east, unfarmed overgrown low land to the south and unfarmed low land to the north,

a residence or future building site is moved and placed in an area of existing buildings;

The amended building site is placed in an area of existing buildings.

an existing building is moved from a prime scenic view and relocated to another site that is out of prime scenic view;

This example does not apply.

a building or reserved building site is moved from a location that creates an adverse impact on farming operations due to its location or access to a site that has less of an adverse impact;

The reserved site location was about in the middle of active production on the Mannor property and active production on the abutting property to the south, with a driveway access of about 922 feet, while the relocated site needs only about 478 feet of access driveway. Additionally, the amended building site is further away from land being actively farmed, adjacent to maturewoodlands to the east, unfarmed overgrown low land to the south and unfarmed low land to the north creating less potential for conflict between residents and agriculture.

the amendment will result in a larger block of agricultural land without an existing residence or future building site.

The township board finds that removing a potential residence from the original site will leave a larger block of agricultural land among the combination of this farm with the multiple adjacent farms under conservation easement without interruption of a future building site.

EXHIBIT 11

PERMITTED STRUCTURES MAP

AMENDED
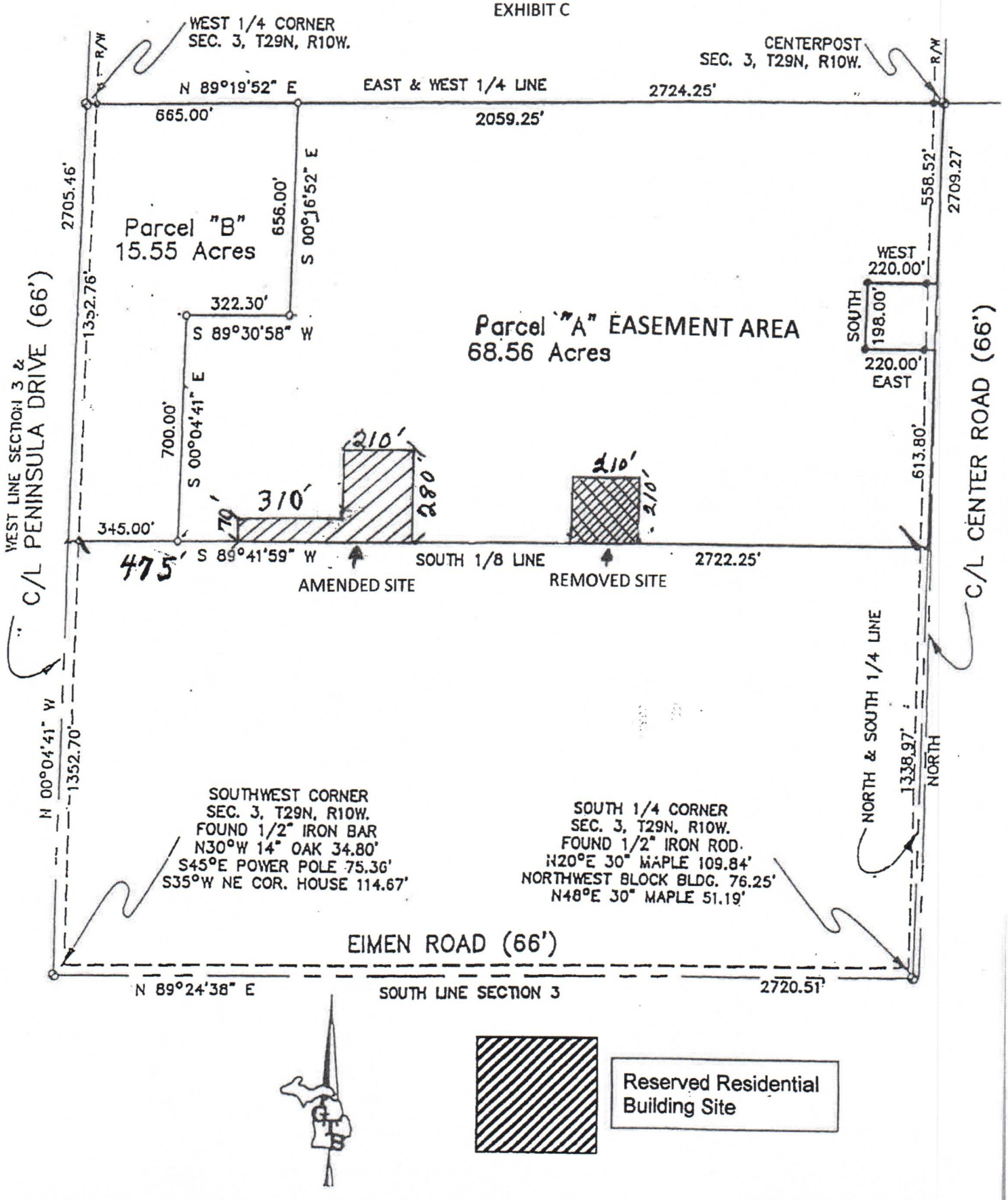
EXHIBIT C