

HADLEY TOWNSHIP
COUNTY OF LAPEER, STATE OF MICHIGAN
PRIVATE ROAD ORDINANCE
ORDINANCE NUMBER 31

AN ORDINANCE REGULATING THE DESIGN, CONSTRUCTION, INSPECTION, APPROVAL, AND MAINTENANCE OF PRIVATE ROADS WITHIN HADLEY TOWNSHIP, LAPEER COUNTY, MICHIGAN.

THE TOWNSHIP OF HADLEY ORDAINS:

SECTION 1 - INTENT

This Ordinance is intended to provide minimum standards and specifications for private, roads constructed in Hadley Township, Lapeer County, Michigan. It is recognized that such standards are necessary because of the need for road surfaces adequate to provide year around access by fire, police, and like emergency services. It is further recognized that if roads are not constructed in accordance with certain minimum standards, such roads frequently become impassable, and vehicles are likely to become stuck, find it impossible to gain access to the persons or structures located on the roadway, block the roadway, and/or otherwise pose a threat to the health, safety, and welfare of the residents located along the roadway, as well as those other residents who would find use of the roadway essential.

Based upon the specific type of development being proposed, the following shall be the minimum type of road surface that will be approved for access to the development under review:

	Private Road Gravel Surface	Private Road Paved Surface	Public Road, Paved Surfaced
Single Family 8 Parcels/Homesites or less	X		
Single Family 9 Parcels/Homesites or more <u>OR</u> roadway length of 1000' or greater*		X	
Multiple Family		X	
Mobile Home		X	
Office			X
Commercial			X
Industrial or Research			X

*Roadway length shall be measured from the centerline of the intersection to the center of the cul-de-sac.

SECTION 2 - DEFINITIONS

Private Driveway shall mean any piece of privately owned and maintained property which is used for access by vehicular traffic to a single parcel of private property but is not open or normally used by the public.

Private Road shall mean a privately owned and maintained road, allowing access to more than one residence, which is normally open to the public and upon which persons other than the owners located thereon may also travel. The erection of such signs as "Residents Only", or the like shall not be deemed to remove any roadway from the requirements of this Ordinance where said roadway is deemed to come within this Ordinance by the Planning Commission or its designee.

Public Road shall mean a thoroughfare which affords vehicular traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, street and other thoroughfare, except an alley, private driveway, or private road.

SECTION 3 - PROHIBITIONS

1. Construction of Private Roads. No persons shall construct a private road within the Hadley Township except in accordance with the standards as herein set forth.
2. Division and Sale of Parcels of Land. No persons shall divide and sell any parcel of land within Hadley Township unless said parcel of land fronts upon a public road that is dedicated to the public or unless said parcel of land fronts upon a private road which road meets the standards as herein set forth.
3. Building Permits. No building permit shall be issued by Hadley Township for any structure unless said structure fronts on a public road that is dedicated to the public, or unless said structure fronts on a private road which road meets the standards as herein set forth. Nothing in this section shall be deemed to waive any of the frontage, depth, or like requirements as set forth in the Hadley Township Zoning Ordinance. This provision shall not apply to existing lots of record; however, such lots of record shall not be further divided except in conformance with this ordinance.

SECTION 4 - CONVEYANCE OF INTEREST IN LAND ABUTTING PRIVATE ROAD

At the time of the conveyance of any interest in any parcel that abuts the private road, the conveyance document shall include reference to the recorded "Home Owner's Association Agreement", such that the grantee is aware that said parcel abuts a private roadway, and that the maintenance, care, and other responsibilities concerning said roadway rest with the "Home Owner's Association" and are not the responsibility of Hadley Township, the County of Lapeer, or the State of Michigan.

SECTION 5 - PERMIT REQUIRED

No construction shall begin on any private road until a permit has been issued, on forms provided for that purpose by the Hadley Township Planning Commission, upon proper application therefore and following compliance with all requirements as set forth in this Ordinance.

SECTION 6 - APPLICATION REQUIREMENTS

1. A complete Private Road Application form.
2. Preliminary Plan - A true and accurate survey, including both a drawing to scale and full legal description of the parent parcel, all parcels which would result from the proposed division of the parent parcel, and the private road easement for ingress, egress, road and public utility purposes. The survey shall include the following:
 - A. All adjoining property within 100 feet of the parent parcel or parent tract.
 - B. All dimension of existing and proposed property lines and easements.
 - C. Location of all existing buildings, wetlands, lakes, streams, ponds, drives, public and private roads, easements, wells, septic systems, including setbacks from all property lines.
 - D. The size (in square feet and acres) of each resulting parcel indicated the gross and net area.
 - E. The proposed location and type of access to each resulting parcel.
 - F. Topography of the area within 100 feet of the parent parcel or parent tract.
 - G. Existing and proposed surface water drainage pattern.
 - H. All developments with 9 or more Parcels and/or Homesites shall be provided by the Developer with a water supply for the Hadley Township Fire Department. This water supply shall be in compliance with the "Insurance Service Office" (ISO) requirements for an "approved water supply"
- ~~3~~ Engineering plans of the proposed road construction.
4. A copy of the Home Owner's Association agreement
5. Application, engineering and planning/planner review fees, as established by resolution of the Township Board.

SECTION 7 - ROADWAY DESCRIPTION AND MAINTENANCE AGREEMENT

1. All private roads shall have a minimum right-of-way easement of sixty-six (66) feet in width and shall include an easement granted to Hadley Township for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, and other installations of a similar character (hereinafter collectively called "Public structures") for the purpose of providing public utilities, including conveyance of sewage, water and storm water runoff across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.
2. The legal description of the roadway easement shall be recorded as a part of the deed or land contract for every parcel of property to which it provides access.

3. A "Home Owner's Association Agreement" (HOA agreement), in a form approved by the Hadley Township Planning Commission and containing the minimum requirements that are included in the attached "Sample Declaration - Home Owner's Association Agreement", shall be recorded at the Lapeer County Register of Deeds, prior to Township's approval of the Private Road. Additionally, reference to the "HOA Agreement" shall be included as a part of the deed or land contract for every parcel of property to which the road provides access. The "Home Owner's Association" Agreement shall be binding on all parties and shall guarantee a financial mechanism for regular maintenance of the private road by all benefiting property owners. In addition, the "Home Owner's Association Agreement" shall include a statement that permits the Hadley Township Board to assess each property owner an equal amount in such event that the Home Owner's Association fails to maintain and repair the roadway and stormwater facility within 30 days of written notice. This assessment shall constitute a lien upon the respective parcels of land assessed. Such lien shall be of the same character and effect as the lien created for township taxes and shall include accrued interest and penalties.

SECTION 8 - STANDARDS FOR CONSTRUCTION

Engineering plans, drawn to a minimum scale of 1"=100' and prepared by a Licensed Civil Engineer or Licensed Land Surveyor shall be submitted to the Township for approval which include the following:

1. A legal description of the road easement.
2. A minimum easement width of sixty-six (66) feet.
3. All dead-end roads shall terminate in a cul-de-sac turn-around with a minimum easement diameter of one hundred fifty (150) feet and minimum road diameter of one hundred twelve (112) feet. Dead-end roads shall not exceed twenty-four hundred (2,400) feet in length unless specific documentation justifying a longer length is reviewed and approved by the Planning Commission.
4. Soil borings shall be taken by an independent testing laboratory at intervals not to exceed 500 feet. Additional borings may be required where the USDA Soil Survey of Lapeer County or on-site inspection indicates unstable soil may be present.
5. The applicant shall remove all unsuitable soil including muck, peat and marl, as well as brush, trees, tree stumps, and similar materials from the full width of the roadway, including the shoulders. These areas shall then be backfilled with MDOT Class II granular material to provide a stable subgrade for the roadway construction.
6. Roadway shall be constructed to the applicable cross-section as shown in Exhibit A, B and C. The road surfacing material shall be compacted in the excavated area for the full length and width so that a uniform surface results. Sub-base, base and roadway materials shall be compacted to greater than 96% maximum density according to AASHTO T-180 method.
7. The plans shall show existing and proposed grades and the location of all existing and proposed drainage facilities and structures. Elevations shall be based on USGS datum.
8. The intersection of roads shall be as close to 90 degrees as possible with a variation of no more than 10 degrees.

9. Road grades shall be a minimum of one half percent (1/2%) and a maximum of eight percent (8%). At the intersection of two roadways, however, the maximum grade shall be three percent (3%) for a distance of one hundred (100) feet from the point of intersection. Ditch and swale grades shall be a minimum of 1%.
10. Sight distance at intersections with other private roads shall be a minimum of four hundred (400) feet measured at a point ten (10) feet from the edge of the traveled way at a height of forty-two (42) inches to an object height of forty-two (42) inches. Sight distance at intersections with County or State roads shall be 750 feet.
11. Continuous vision from 4.0 feet above proposed road centerline grade sighting an object 4.0 feet above proposed road centerline grade for a distance of 400 feet shall be maintained.
12. All proposed private roads shall have horizontal curves of not less than a 273-foot centerline radius.
13. The applicant shall obtain a soil erosion control permit from the appropriate governing agency. Applicant shall install all erosion control devices prior to the pre-construction meeting with the Township and maintain all erosion devices throughout the construction period.
14. The Township's consulting Civil Engineer will inspect the plans and the construction of all private roads. All cost of the plan review and construction inspections by the Township Engineer shall be paid to the Township by the applicant/developer.
15. Construction permits from the Lapeer County Road Commission (LCRC) are required for connections to county roads. In compliance with LCRC policy, the approach must be completed prior to commencement of any private roadway work.
16. All private roads created hereunder shall be named, with said name to be approved by the Hadley Township Planning Commission and the Lapeer County Road Commission. All required name signs and signposts shall be erected in accordance with the Lapeer County Road Commission standards at the expense of the applicant.
17. In order to provide for the separation of vehicles and pedestrians, sidewalks may be required in the "Hadley Village" portion of the Township. If required, sidewalks shall be at least four (4) feet wide, four (4) inches thick, and located within one foot of the 66' easement line. Sidewalks shall be constructed of concrete having a 28 day compressive strength of 3,000 psi.
18. All driveway culverts shall be a minimum of 12 inches in diameter, thirty feet (30') in length, and 16-gauge corrugated metal pipe, or an equivalent material approved by the Planning Commission. Design Engineer shall provide a table indicating the minimum size culvert for each parcel based on the storm water flows for a 25 year storm. Sodding, planting, seeding, rip-rapping or other measures of soil erosion control shall be used within roadside ditches and private road easements.
19. Road name and traffic control signage.
20. An engineered Storm Water Management Plan shall be provided for the entire parent parcel. This plan shall be prepared in compliance with the "Design Criteria and Engineering Standards" section of the

"Oakland County Drain Commissioner - Engineering Design Standards for Storm Water Facilities" publication dated January 2006, including Appendices 1 -4.

SECTION 9 - APPROVAL PROCEDURES

1. A Preliminary Plan shall be submitted to the Planning Commission at least 21 days prior to a regular meeting. The Planning Commission shall approve or disapprove the Preliminary Plan after studying the written reviews of the Township Planner and Township Engineer. This approval shall be valid for a period of 95 days.
2. A Final Plan shall be submitted to the Planning Commission at least 14 days prior to a regular meeting. The Planning Commission shall approve or disapprove the Final Plan after studying the written reviews of the Township Planner and Township Engineer. This approval shall be valid for 6 months, unless extended by the Planning Commission.
3. No private road construction may begin until the Planning Commission has approved the Final Plan by a recorded vote taken at a regular or special meeting of the Commission.
4. Whenever the extension of an existing road is proposed, the Commission shall give fifteen days (15) notice by regular U.S. Mail of the time and place of the meeting at which the road extension will be considered to all existing owners of property abutting the existing road.

SECTION 10 - INSPECTIONS AND APPROVAL

1. All construction shall conform to the plans approved by the Township. All inspections will be based upon the approved plan. Construction not according to the approved plan and/or not inspected according to the Township's requirements shall not be approved.
2. At least one week prior to the start of construction, a ~~pre-job~~ construction meeting will be scheduled between the applicant and the Township Engineer to discuss the conduct of the work.
3. The minimum inspections by the Township Engineer shall include:
 - A. After all organic material has been stripped and prior to any earth balancing.
 - B. After the sub base has been shaped and compacted. At this time the contractor shall "proof-roll" the entire roadway. Any yielding subgrade shall be repaired prior to placement of granular material.
 - C. After installation of each course of material.
 - D. After finish grading of roadway and drainage facilities.
 - E. After all disturbed areas have established vegetation.The contractor shall notify the Township Engineer 48 hours before the conclusion of each step in the roadway construction so that the required inspections can be completed without delay to the subcontractor. Inspection requirements shall be placed clearly on the construction plans.
4. The applicant shall provide weigh slips that certify the weight and specification of the material used for subbase, aggregate, and bituminous material used for the road and shoulder surfaces. Material

certification shall be provided by an approved independent testing facility.

SECTION 11 - PERFORMANCE BOND

The applicant shall file with the Township Clerk a cash deposit or certified check, acceptable to the Township in an amount of 10% of the estimated construction cost, as determined by the Township Engineer. When the work is completed, inspected, and approved by the Township, the bond will be released to the applicant, less any amounts due to the Township.

SECTION 12 - LIMITED VAIRIANCE TO EXTEND EXISTING PRIVATE ROADS

The Planning Commission shall have the authority to vary the requirements for private roads and private road easements and to impose conditions to assure adequate access to resulting parcels where:

1. Historic or physical features could be adversely impacted as a result of private road or private road easement requirements contained in this ordinance.
2. In residential districts where the applicant proposes to extend an existing private road easement, and that existing right-of-way does not meet the width requirements of the Township Private Road Ordinance, in that event, the private road right-of-way may be extended in accordance with current ordinance requirements and provided that the entire private road is improved so as to otherwise meet the specifications of this Private Road Ordinance.

SECTION 13 - ENFORCEMENT AND PENALTIES

Any person, firm, corporation or other organization, which violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any provision of this Ordinance, shall be fined upon conviction not more than five hundred dollars (\$500) together with the costs of prosecution, or shall be punished by imprisonment in the County Jail for not more than thirty (30) days for each offense, or may be both fined and imprisoned as provided herein in the discretion of the court. Each and every day during which such violation-continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.

If a violation occurs, the Township shall notify the party or parties in writing that the violation must be corrected within ten (10) days of receipt of the notice.

The Township Board, any member thereof, or the Prosecuting Attorney of the County of Lapeer may institute injunctive proceedings to prevent or enjoin any violation of the provisions of this Ordinance; or to require compliance with this ordinance. The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

SECTION 14 - VALIDITY

This Ordinance and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence, and clause thereof irrespective of the fact that any one or

more parts, section, subsection, phrases, sentences or clauses be declared invalid.

SECTION 15 - RELATIONSHIP TO OTHER LAWS AND ORDINANCES

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by governmental authority through legislation, rule or regulation, the more restrictive regulations or those which impose higher standards shall govern.

SECTION 16 - VARIANCE'S (New Road Construction)

The Planning Commission may authorize a variance from the provisions of this Ordinance when it determines that practical difficulties or undue hardship may result from strict compliance with specific provisions or requirements of this Ordinance. In granting any variance, the Planning commission may prescribe other conditions that it deems necessary or desirable for the public interest. No variance shall be granted unless the Planning Commission finds:

1. There are special circumstances or conditions affecting the situation such that a strict application of the provisions of this Ordinance would deprive the applicant of reasonable use of his property;
2. That the variance is necessary for the preservation and enjoyment of the substantial property right of the applicant;
3. That the granting of the variance will not be unduly detrimental to the public welfare or injurious to other property in the Township.
4. That such variance will not have the effect of nullifying the interest and purpose of this Ordinance.

SECTION 17 - EFFECTIVE DATE

This Ordinance shall take immediate effect following publication of a notice of adoption, as provided by law.

SECTION 18 - REPEAL OF EXISTING ORDINANCES

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 21 - ADOPTION AND EFFECTIVE DATE

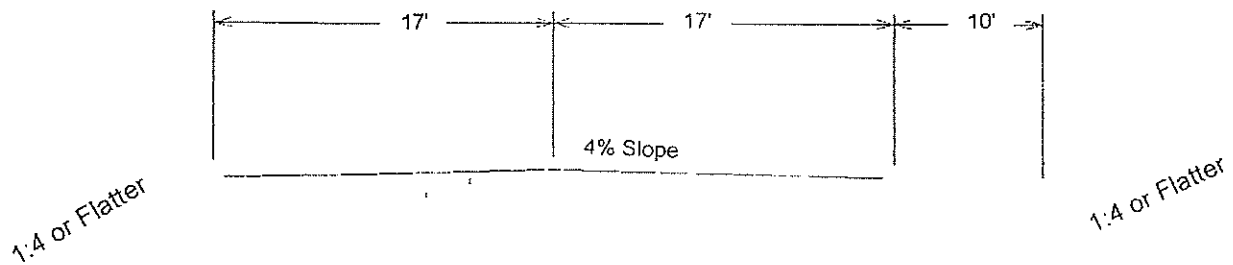
- A. This ordinance was adopted by the Hadley Township Board at a meeting duly held on the 12th day of December, 2006 and published in the County Line Reminder on December 30, 2006.
- B. This ordinance shall become effective upon the date of publication.

By: William Dutko, Supervisor

Cindy Daly
Cindy Daly, Clerk

Exhibit A
Gravel Roadway Section

66 FT. Roadway Easement

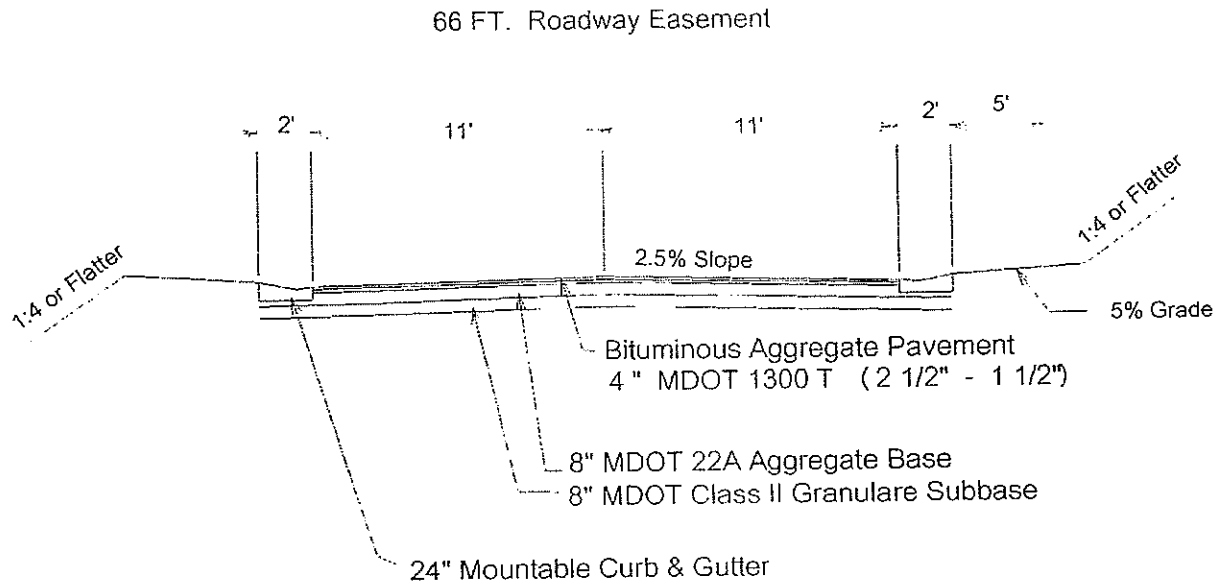


8" MDOT 21AA or 23A Limestone
8" MDOT Class II Granular Subbase

Notes:

- Roadway to be centered on the easement
- Subgrade shall be proofed rolled per MDOT specification
- Roadway shall be 24' with 5' shoulders
- Roadside ditch slopes shall be 1:4
- Backslope of ditch shall be 1:4 or flatter

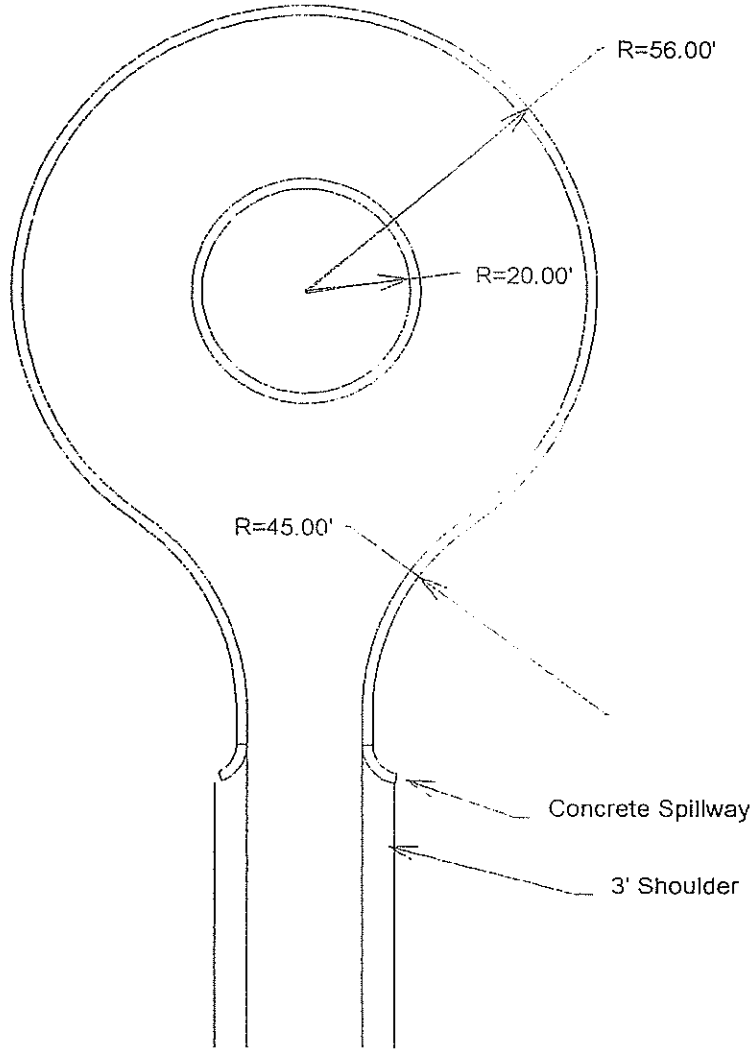
Exhibit B
Paved Road Section



Notes:

- Edge Drain as determined by Twp. Engineer
- Roadway to be centered on the easement
- Subgrade shall be proofed rolled per MDOT specification
- Wearing Course following construction season
- Curb & Gutter may be waived & replaced with 3' stone shoulders

Exhibit C
Cul-de-sac Detail



Cul-de-sac Detail
Paved Roadway Section

SAMPLE DECLARATION

(Project Name) Home Owner's Association AGREEMENT

This declaration made this ____ day of _____, 20____, by _____ (the "Developer"), on behalf of " _____ Homeowners Association", a Homeowners Association to be formed (the Association").

The Developer is the owner of all legal and equitable interests in the following property located in the Hadley Township, Lapeer County, Michigan, (the "Development") described as:

(Complete legal description of all included parcels)

WHEREAS, the Developer has divided the Development into parcels/homesites for the purpose of residential development. This development is known as _____ (the "Development") and is further described in Exhibit A; and

WHEREAS, Developer is constructing a private road on the Development for the purpose of providing ingress and egress to the parcels and also for the purpose of providing utility services to the parcels; and

Whereas, Developer is constructing a storm water management system for the purpose of properly collecting, treating, retaining/detaining and discharging storm water over and across the parcels; and

WHEREAS, the purpose of this declaration is to provide a roadway easement, storm water easements, and utility easements through the Development so as to provide ingress and egress, storm water management and utility easements for the owners of the parcels in the Development; and

WHEREAS, the only access to the parcels is by means of a private road which the Township/Village is not obligated to maintain; and

WHEREAS, it is also the purpose and intention of this declaration to provide for the maintenance of the roadway and easements by the owners, their heirs, executors, administrators, agents and assigns of the parcels.

NOW THEREFORE, IT IS DECLARED that a roadway easement, storm water easements, and utility easements are created on the Development as described in Exhibit A, together with a Home Owner's Association agreement that shall be binding on the Developer and the purchasers of all individual parcels and their heirs, personal representatives, successors and assigns of the parties.

1. ROAD AND UTILITY EASEMENTS. A sixty six (66) foot wide private road including utility easements described on Exhibit A are created for the purpose of providing ingress and egress to the parcels and for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and removing pipelines, mains, conduits and other installations of a similar character for public utilities, including conveyance of sewage, water and storm water runoff across through and under the property described as the easement, and excavating and refilling ditches and trenches necessary for the

location of the utility services for the benefit of the owners of the parcels. Each purchaser of the parcels in the Development acquires title to an indivisible interest to all of the private road property.

2. **HOME OWNER'S ASSOCIATION.** There is hereby created a Home Owner's Association which consists of all the owners of parcels located within the above described property. Membership in the Association is mandatory for each property owner. The owners of each parcel have one vote in the Association. The Association shall annually elect a president, secretary and treasurer; who shall be known as "The Board".

3. **ASSOCIATION MEETINGS.** Each year, on the first _____ of _____ the Association members shall meet for the purpose of electing a Board of Directors (the "Board") and officers and approving a maintenance program and budget for the coming year. A landowner may vote in person or by proxy. For purposes of the annual meeting and setting of the budget, it is not necessary that a majority of landowners be present in person or by proxy in order that valid meeting be held. Questions shall be approved or disapproved by a majority of those present in person or by proxy and voting at the annual meeting or any special meeting called for purposes of this Declaration.

Special meetings may be called with 10 days written notice to all landowners by the President of the Board or upon request of any two members.

Until such time as seventy-five (75%) of the parcels have been sold, the Developer shall exercise all the powers and duties delegated to the Board. However, all landowners are entitled to attend the annual meeting and give input into the setting of the forthcoming budget. The Developer may from time to time designate an agent for the cause of maintaining and enforcing this agreement. Appropriate written notice of such designation, or any other written notice permitted by this Declaration, shall be addressed by ordinary mail to each landowner of record and to each purchaser under any executory land contract.

The Developer may at any time assign and convey all or part of his rights, powers, privileges and duties, which are reserved to it in this Declaration, to the Association, and upon the execution and filing of the appropriate instruments of appointments, the Association shall there upon have and exercise all the rights, powers, privileges and duties so assigned by this document to the Developer, and upon assigning and conveying such rights, powers, privileges and duties, the Developer shall be fully released and discharged from further obligations and responsibilities in connection therewith.

4. **ESTIMATE OF EXPENSES** - The Board shall obtain from at least two private road contractors each year the cost of maintaining the private road in accordance with reasonable professional practices. The determination of the necessity for repairs or maintenance to the private road shall be made by the Board and shall include, but is not limited to, grading, repair of drainage structures, repair of frost or water damage, mowing, weed control, removal of trees, snow removal or plowing. The Board shall make the selection of the party or parties who provide the materials and or labor for the repairs or maintenance.

5. **EXTRAORDINARY REPAIRS** - Any deficiencies in the fund for extraordinary costs or repairs and maintenance to the private road shall be covered and payment made by the owners on demand in the same proportion as the yearly contribution to the fund is made. Delinquent payments may be collected under the same procedures specified for annual assessments.

6. **ASSESSMENT** - Each landowner shall pay an annual assessment equal to his proportional share of the budget approved by the Association. The proportion of the budget paid by each landowner shall be equal to the proportion of the total number of parcels of land that he owns.

7. **ASSESSMENT COLLECTION** - All assessment payments shall be made payable to the treasurer of the Association. Payment is due thirty (30) days after the assessment is mailed. The treasurer shall place all funds collected in the Association account at the banking institution selected periodically by the Board.

8. **FAILURE TO PAY ASSESSMENT** - If any landowner is in default for any assessment payment of 30 or more days, the Association may bring suit to collect the assessment, together with any costs of collection. Additionally, the Association may file a lien against the land in the public records and foreclose the lien as provided by law for the foreclosure of mortgages by Judicial action.

9. **MAINTENANCE AND REPAIR WORK** - The President shall arrange for such maintenance and repair work as has been approved by the Association. The Treasurer shall pay approved work after approval by the officer designated for this purpose by the Board.

10. **NOTICE TO TOWNSHIP - HOMEOWNER'S ASSOCIATION BOARD** - The Association will provide the Township Clerk the name, address and phone contact of all Officers. In the event that the Association neglects to maintain or repair the road, and following thirty (30) days after transmittal of notice from the Township, the Township, or its successor, shall have the power and authority to enter upon the property, or cause its agents or contractors to do so, and perform such maintenance and repair as the Township determines to be appropriate. The Township shall collect the cost and expense of such maintenance and repair including any engineering and administrative cost. This cost will be divided equally among all properties that lie within the boundary of the "Home Owner's Association Agreement", and be included in the next property tax billing.

11. **SUBSEQUENT OWNERS** - This agreement shall run with the land and shall be binding on all future landowners. Any landowner selling a parcel shall notify the purchaser of the terms of this agreement and the fact that the purchaser will be bound by the terms of this agreement.

12. **REMEDIES** - By acceptance of title, each landowner vests in the Association the right and power to take any legal action that it may deem necessary or advisable. Upon violation of any restriction or breach of any covenant, the Association may enforce it by a suit for money judgment, by foreclosing of the lien securing payment, or by an action in equity seeking a mandatory injunction.

If a landowner makes any payment of any amount less than that due hereunder, the Association may accept the amount as a payment on account without waiver of any remedy otherwise available to it. The Association is not bound by any notation on any check involving such payment.

In addition to all other remedies, the Association may enter upon the land as to which such violation or breach exists, and summarily abate and remove at the expense of the owner any construction or other violation that may exist contrary to the intent and provisions of this Declaration and the Association is not thereby liable for trespass, abatement, removal or in any other manner.

Failure of the Association to complain of any acts or omission on the part of landowner, no matter how long the same may continue, is not a waiver by it of any of its rights under this Declaration. Any and rights and remedies the

Association has under this Declaration or by operation of law upon any violation are separate and cumulative and shall not be deemed inconsistent with each other, and no one of them, whether exercised by the Association or not, are to the exclusion of any other, and any two or more of all such rights and remedies may be exercised at the same time.

13. **AMENDMENTS** - Amendments to this agreement may only be adopted by the written consent of at least 51% of all landowners, and the approval of the Township Planning Commission.

Witnesses:

_____ Signing for the Corporation and for the
_____ Homeowners Association

STATE OF MICHIGAN)
COUNTY OF LAPEER)

Subscribed and sworn to before me this _____ day of _____, 20__

By _____

Notary Public,

_____ County, MI

My Commission Expires

HADLEY TOWNSHIP
 APPLICATION FOR PRIVATE ROAD APPROVAL
 AND PERMIT FOR CONSTRUCTION

An application for approval of a private road must be accompanied by ten (10) copies each of this completed application form, the Preliminary Plan, and the proposed Home Owners Association Agreement, as well as all required application, review and inspection fees.

APPLICANT Name _____ Address _____ City, St, Zip _____ Phone (Day) _____ Phone (Mobile) _____ Signature _____ Parcel Tax ID # _____	Legal Owner _____ _____ _____ _____ _____ _____ _____
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DESIGN PROFESSIONAL	
Name _____	Company _____
Address _____	City, St, Zip _____
Phone (Day) _____	Mobile _____

Procedure FOR PRIVATE ROAD APPROVALS

1. Pre-application conference (recommended) Conference with Township representative, Township Planner, Township Engineer, and Applicant (Pre-application conference fee applicable) Date _____
2. Submit completed application and Preliminary Plan (10 copies) to the Planning Commission 21 days prior to the next scheduled meeting, along with required application and review fees. Submitted _____
3. Project will be placed on the next available Planning Commission agenda.
4. Planning Commission denies or approves Preliminary Plan. Approval is limited to a period of 95 days. Action _____
5. Submit Engineering Plans, Survey, and Home Owners Association Agreement (10 copies) to the Planning

Commission 14 days prior to the next scheduled meeting.

Submitted _____

6. Acquire approval or recommendation for approval from the Lapeer County Road Commission, Lapeer County Drain Office and Soil Erosion Control Office as required.

Submitted _____

7. Planning Commission denies or approves the final plan and establishes construction bond requirements. Approval is limited to a period of 6 months, unless extended by the Planning Commission.

Action _____

8. An applicant pays required bond and inspection fees.

Date _____

9. Pre-Construction conference is schedule prior to any construction. Schedule required inspections and commence road construction.

Date _____

10. Upon completion of construction, recording of "Certificate of Survey", "Home Owner's Association Agreement", Grant of Easement to Hadley Township, and any other documents, as required; and recommendation for approval from the Township Engineer and the Township Legal Counsel.

Date _____

11. Planning Commission will approve the Private Road.

Date _____

12. The Township will approve no building permits and no land divisions until all of the above items have been complied with.

TOWNSHIP OF HADLEY
PRIVATE ROAD ORDINANCE AMENDMENT
Ordinance # 31.1

An ordinance to amend the Hadley Township Private Road Ordinance to establish road completion and driveway access requirements.

THE TOWNSHIP OF HADLEY ORDAINS:

The following sections of the Hadley Township Private Road Ordinance are hereby created to read as follows:

Section 3 – STANDARDS FOR CONSTRUCTION

4. Private Driveways. No persons shall divide and sell any parcel of land having frontage on a private road unless said parcel has its own private driveway, not shared with any other parcel. The driveway shall be constructed if and when the subject parcel is improved with a dwelling or other approved structure. A parcel located at an intersection having frontage and lawful access on both a private and public road shall have its required private driveway accessing only the private road.

Section 10 - INSPECTIONS AND APPROVAL

5. Within sixteen months after the start of construction, all road projects shall be completed, including final approval from the Township Engineer. Road projects not completed within this sixteen month time frame shall be terminated, with any remaining bond money (after deduction of any amounts owed to Hadley Township) returned to the applicant/developer.

Motion was made by Daly seconded by Hartwig, to adopt the foregoing motion.

Upon roll call vote:

Tippen aye, Brandt aye, Daly aye, Hartwig aye, Monroe aye. Motion carried.

The Supervisor declared the motion adopted.

Cynthia Daly
Cynthia Daly/Township Clerk

EFFECTIVE DATE

This ordinance amendment shall take immediate effect following publication of a notice of adoption, as provided by law.

CERTIFICATE

The undersigned, being the duly elected and acting Clerk of the Township of Hadley hereby certifies that the foregoing motion was duly adopted at a regular meeting of the Township Board at which a quorum was present on the 10th day of April 2012, and will be published in the LA View on April 19, 2012.

Cynthia Daly
Cynthia Daly/Township Clerk