

PUD AGREEMENT

THIS AGREEMENT is made effective as of this ____ day of _____, 2018, by and between the **Charter Township of York** (the “Township”), a Michigan municipal corporation, with offices at 11560 Stony Creek Road, Milan, Michigan 48160, **Gordon Faust and Joy Faust** (the “Fausts”), husband and wife, whose address is 2505 Avonhurst Drive, Troy, Michigan 48084, and **Peters Building Co.** (“PBC”), a Michigan corporation, whose address is 172 S. Industrial, P.O. Box 577, Saline, Michigan 48176.

RECITALS

This Agreement is based upon the following facts and circumstances:

A. On April 10, 2018, the Township’s Board adopted Ordinance No. 151 (the “Ordinance”) which amended the York Township Zoning Ordinance to re-zone the parcel of land owned by the Fausts and located in Section 7, Town 4 South, Range 6 East, York Township, Washtenaw County, Michigan, and more particularly described in Exhibit A attached hereto (the “Property”), from agriculture to PUD (Planned Unit Development District) as petitioned for by PBC.

B. Section 8.05(9) of the York Township Zoning Ordinance requires that upon approval of a petition and area plan by the Township Board, the applicant and all owners of record of the property subject to the PUD must sign an agreement that the approved petition, area plan, and the conditions of approval, are binding upon the applicant and owners of record and their heirs, successors, and assigns, and that the approved area plan and signed agreement be recorded with the Washtenaw County Register of Deeds.

NOW THEREFORE, in consideration of the mutual covenants and obligations set forth herein, and for other valuable consideration, the receipt and adequacy of which is hereby mutually acknowledged, the Township, the Fausts, and PBC hereby agree as follows:

1. Recitals A and B are true and correct and are incorporated herein by reference.
2. This Agreement is deemed to be the Agreement required by Section 8.05(9) of the York Township Zoning Ordinance.

3. The Area Plan as approved by the York Township Board and made a part of the Ordinance is attached hereto as Exhibit B, which is incorporated herein and made a part of this Agreement.

4. PBC, as petitioner for the re-zoning of the Property, and the Fausts, as owner of the Property, hereby agree that this Agreement, the approved Petition and Area Plan, the Ordinance, and the applicable provisions of the York Township Zoning Ordinance, as amended, all of which are incorporated herein by reference, are binding upon each of them and their respective successors and assigns, and shall run with the Property. Further, consistent with Section 8.03(M) of the York Township Zoning Ordinance, the Property shall not be developed or used except in accordance with the approved Area Plan and the site plans approved subsequent thereto except as otherwise approved by amendment to this Agreement.

5. The Township accepts the Agreement of PBC and the Fausts set forth herein and in turn agrees that it will abide by the Ordinance and the applicable provisions of the York Township Zoning Ordinance, as amended, and other applicable ordinances and laws in the processing of site plans and other documents submitted in connection with the future development of the Property.

6. All parties to this Agreement have participated fully and equally in the negotiation and preparation of this Agreement. Therefore, this Agreement shall not be subject to the rule that an agreement, its provisions, or any ambiguities therein shall be strictly construed against the drafter.

7. Upon execution of this Agreement by the parties, PBC shall promptly record a copy of this Agreement, including the attached exhibits, and shall provide a copy of the recorded Agreement to the Township Clerk.

IN WITNESS WHEREOF, the parties have signed this Agreement as of the day and year first above written.

Charter Township of York,
a Michigan municipal corporation

By: _____

Name: _____

Title: _____

STATE OF MICHIGAN, COUNTY OF WASHTENAW

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by _____, the _____ of the Charter Township of York, a Michigan municipal corporation, on behalf of the corporation.

Notary Public

_____ County, Michigan
Acting in Washtenaw County
My commission expires:

Peters Building Co.,
a Michigan corporation

By: _____
James G. Haeussler, President

STATE OF MICHIGAN, COUNTY OF WASHTENAW

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by James G. Haeussler, the President of Peters Building Co., a Michigan corporation, on behalf of the corporation.

Notary Public
_____ County, Michigan
Acting in Washtenaw County
My commission expires:

Gordon Faust

Joy Faust

STATE OF MICHIGAN, COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Gordon Faust and Joy Faust, husband and wife.

Notary Public
_____ County, Michigan
Acting in _____ County
My commission expires:

THIS DOCUMENT PREPARED BY:
Joy M. Glovick (P66961)
Conlin, McKenney & Philbrick, P.C.
350 South Main Street, Suite 400
Ann Arbor, MI 48104-2131
(734) 761-9000

WHEN RECORDED RETURN TO:
James G. Haeussler
Peters Building Co.
172 S. Industrial
P.O. Box 577
Saline, MI 48176

EXHIBIT A

Property Description

OLD SID - S 19-007-001-00 YO 7-1 COM AT CENT OF SEC, TH N 362.84 FT IN THE N & S 1/4 LINE FOR A PL OF BEG, TH DEFL 38 DEG 52' TO THE LEFT 203.58 FT, TH DEFL 90 DEG TO THE RIGHT 164.08 FT TO A POINT IN THE N & S 1/4 LINE, TH S'LY 261.39 FT IN THE N & S 1/4 LINE TO PL OF BEG, ALSO THE NE 1/4 OF SEC, EXC BEG AT CEN OF SEC TH E 254.26 FT TH NWLY TO N & S 1/4 LN, TH S 310.25 FT TO POB, BEING PART OF N FRL 1/2, SEC 7 T4S R6E. 159.48 AC.

OLD SID - S 19-007-003-00 YO 7-3 COM AT CENT OF SEC, TH N 362.84 FT IN THE N & S 1/4 LINE, TH DEFL 38 DEG 52' TO THE LEFT 203.58 FT FOR A PL OF BEG, TH CONTINUING 62.23 FT IN THE LAST MENTIONED COURSE, TH DEFL 90 DEG TO THE RIGHT 13 RDS TO A POINT IN THE N & S 1/4 LINE, TH S'LY 80 FT IN THE N & S 1/4 LINE, TH SW'LY TO THE PL OF BEG, BEING A PART OF NW FRL 1/4 SEC. 7 T4S R6E 0.27 AC.

Tax Parcel Numbers: 19-07-100-001
19-07-200-006

EXHIBIT B

Area Plan