Toolkit:

Resource protection program

Development of a full resource protection program requires a long process of research, discussion, planning and coordination. While such extensive planning was not possible with this Guidebook, it does provide points to consider if such a program is initiated. Documents provided include a sample conservation easement, a methodology to track changes in ownership of large parcels, and considerations for future development rights and open space preservation programs.

Conservation Easement Model

Homeowner stewardship tips

This Guidebook provides an array of zoning examples and models to regulate non-residential development but it is often the non-point sources that contribute to long-term degradation of local water resources. This Guidebook provides a list of tips for the common homeowner, offered by the Center for Watershed Protection that will contribute to better stewardship throughout the watershed.

Alternative seawall concepts

Where traditional seawalls are not effective at protecting shoreline, or where they are found to cause erosion in other areas of the shore, alternative methods are being used to protect beaches and lakebeds. Many include "softer" applications that use natural material and at a lesser cost than a typical engineered seawall.

Wastewater management

Water quality is a key concern within the watershed, so it is important to monitor existing septic systems and promote connections to the public sewer system that currently serves the area. This Guidebook gives some tips for maintaining individual septic systems to help prolong their useful life, and how best to manage residential wells to protect the groundwater supply.

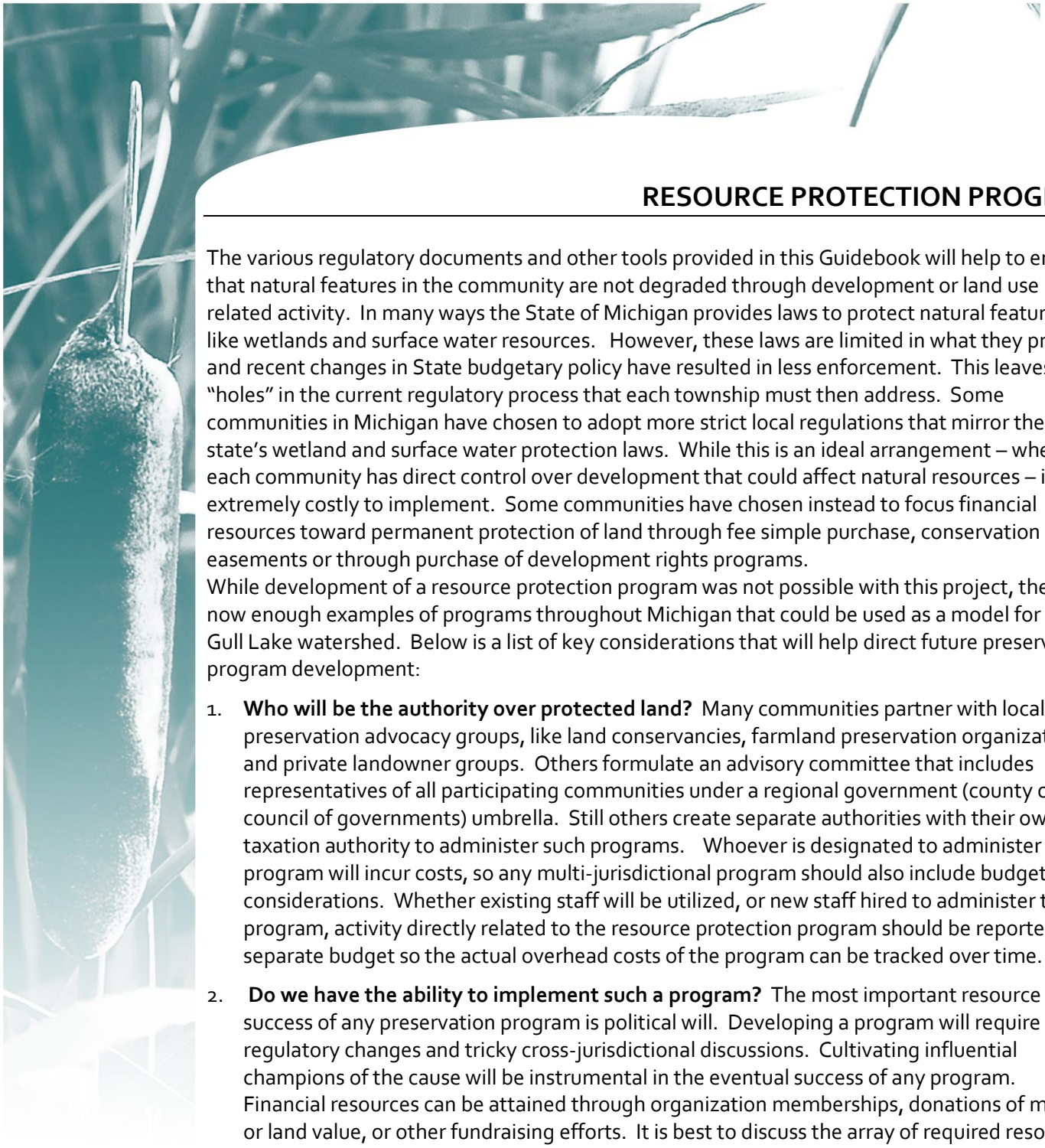
Subdivision regulations

Many development impacts are facilitated by poor planning when property is divided. The regulatory document created for the Four Township Water Resources Council includes various zoning techniques that can be used to encourage clustering of development and preservation of open spaces. This Guidebook gives a few additional considerations when reviewing future developments.

Sample Road End Policy

Complete streets

The State of Michigan encourages development plans to accommodate "all legal users" of the transportation system – motorists, pedestrians, children, the elderly, disabled – through design of complete streets. Information from the Michigan Complete Streets Coalition is included to introduce these concepts and encourage better site planning.



RESOURCE PROTECTION PROGRAM

The various regulatory documents and other tools provided in this Guidebook will help to ensure that natural features in the community are not degraded through development or land use related activity. In many ways the State of Michigan provides laws to protect natural features like wetlands and surface water resources. However, these laws are limited in what they protect, and recent changes in State budgetary policy have resulted in less enforcement. This leaves "holes" in the current regulatory process that each township must then address. Some communities in Michigan have chosen to adopt more strict local regulations that mirror the state's wetland and surface water protection laws. While this is an ideal arrangement – where each community has direct control over development that could affect natural resources – it is extremely costly to implement. Some communities have chosen instead to focus financial resources toward permanent protection of land through fee simple purchase, conservation easements or through purchase of development rights programs.

While development of a resource protection program was not possible with this project, there are now enough examples of programs throughout Michigan that could be used as a model for the Gull Lake watershed. Below is a list of key considerations that will help direct future preservation program development:

1. **Who will be the authority over protected land?** Many communities partner with local preservation advocacy groups, like land conservancies, farmland preservation organizations, and private landowner groups. Others formulate an advisory committee that includes representatives of all participating communities under a regional government (county or council of governments) umbrella. Still others create separate authorities with their own taxation authority to administer such programs. Whoever is designated to administer the program will incur costs, so any multi-jurisdictional program should also include budget considerations. Whether existing staff will be utilized, or new staff hired to administer the program, activity directly related to the resource protection program should be reported as a separate budget so the actual overhead costs of the program can be tracked over time.

2. **Do we have the ability to implement such a program?** The most important resource to the success of any preservation program is political will. Developing a program will require regulatory changes and tricky cross-jurisdictional discussions. Cultivating influential champions of the cause will be instrumental in the eventual success of any program. Financial resources can be attained through organization memberships, donations of money or land value, or other fundraising efforts. It is best to discuss the array of required resources with an established group, such as the Southwest Michigan Land Conservancy, before deciding to develop an entirely new mechanism for preservation. Often, these groups already work toward a similar goal, making any new programs duplicative and wasteful.

3. **What type of resources should be protected?** Clearly in Gull Lake, the priorities are to protect sensitive land that, if developed, can threaten the health and quality of the lake. As such, preservation priorities should focus first on land located closest to Gull Lake, and those with the highest resource qualities. The table below summarizes some key criteria that should be used to evaluate applications to preserve land. It also includes a suggested weight that could be assigned to each category to ensure properties meeting the most important criterion are considered first.

SUGGESTED SCORING CONSIDERATIONS	
Criteria Categories	Suggested Category Weight
Quality of Resource:	30%
▸ Size of Land	
▸ Soil Quality	
▸ Proximity to other protected land	
Development Pressure:	24%
▸ Proximity to city or village with annexation authority	
▸ Proximity to existing or planned utility services	
▸ Amount of buildable land	
▸ Current zoning and planned future land uses	
Financial Consideration:	18%
▸ Landowner concessions or donations of land value	
▸ Available matching funds	
Historic, Archaeological and Scenic Qualities:	16%
▸ National Register Candidate	
▸ Archaeological sites	
▸ Viewsheds and Scenic Vistas	
Other Considerations:	12%
▸ Location within special planning areas	
▸ Availability of other protection techniques	
▸ Timeliness of application	

4. **How much land should be protected?** Often, quick action is the key to successful acquisition. If a program is developed, it is best to know up-front where the resources are that you want to protect, so when a property is marketed for sale, the protection agency can quickly react to assemble financial resources or discuss preservation options with the property owner. Many of the attributes discussed above can be mapped, such as soil types, existing protected lands, jurisdictional boundaries, utility systems, and current zoning. Using Geographic Information Systems (GIS), these can be mapped in layers, which quickly reveal areas of highest significance. Knowing where these features are located will be helpful to facilitate quick action when acquisition opportunities arise, especially in areas that were found to contain several attributes.

5. **How do we know if the landowner wants to sell their development rights?** Many modern GIS systems are linked to the property owner database maintained by the County or local municipality. Once the most significant areas are identified, the same program can be used to identify property owners. In close-knit communities, it is often easy to know which owners would be receptive to preservation and which will not. Intuitive knowledge in this regard is essential when determining which land owners to approach, because it can upset some who are highly protective of land rights. It is always advisable to begin any outreach effort with some initial education and communication to gauge homeowner responses. The GLQO and other organizations already produce regular newsletters, which could be used to advertise future programs or to offer a general call to interested landowners.

6. **How will land be protected?** As noted, there are a few options available:
   - Purchase the land
   - Purchase the development rights (a conservation easement model is provided in this Guidebook)
   - Require protection of land in new developments (i.e. through clustering or PUD)

SAMPLE CONSERVATION EASEMENT

DATE: (INSERT DATE)
DONOR/OWNER: (INSERT DONOR'S NAME, MARITAL STATUS AND ADDRESS)
DONEE/CONSERVANCY: (INSERT NAME AND ADDRESS)

For Purposes of this Conservation Easement, the Donor, who is the current Owner, and all subsequent Owners of the subject Property, will be referred to as the "Owner" throughout this Conservation Easement. The Donee will be referred to as the "Conservancy" throughout this Conservation Easement. (Donor and Donee should be listed as Grantor and Grantee in the case of a purchase of a conservation easement).

PROPERTY: (INSERT COMPLETE LEGAL DESCRIPTION)

CONVEYANCE: The Owner conveys and warrants to the Conservancy a perpetual Conservation Easement over the Property. The scope of this Conservation Easement is set forth in this agreement. This conveyance is a gift from the Donor to the Conservancy. Accordingly, this is exempt from Transfer Tax pursuant to MCL 207.505(a) and 207.526(a). (Delete exemption language in the case of a purchase of the conservation easement).

THE OWNER AND THE CONSERVANCY AGREE TO THE FOLLOWING:

1. PURPOSES OF THIS CONSERVATION EASEMENT AND COMMITMENTS OF THE DONOR/OWNER AND THE CONSERVANCY.

   A. This Conservation Easement assures that the Property will be perpetually preserved in its predominately natural, scenic, historic, agricultural, forested, and open space (DELETE THOSE THAT DO NOT APPLY) 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. Any uses of the Property which may impair or interfere with the Conservation Values are expressly prohibited.

   B. The Donor is the Owner of the Property and is committed to preserving the Conservation Values of the Property. The Owner agrees to confine use of the Property to activities consistent with the Purposes of this Easement and the preservation of the Conservation Values.

   C. The Conservancy 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 Conservancy protects natural habitats of fish, wildlife, plants, and the ecosystems that support them. The Conservancy 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 (DELETE THOSE THAT DO NOT APPLY) of prominent importance to the Owner, the Conservancy, and the public. These values are referred to as the "Conservation Values" in this Easement. The Conservation Values include the following:

(NOTE TO DRAFTER: It is critically important to include all of the Conservation Values that are specific to your Property. Include the following values that pertain; add additional specific values; include local policy statements, goals, and laws; delete those Conservation Values that do not apply; delete any legislation that does not apply. The headings are meant to stimulate ideas for listing Conservation Values and may be deleted).

OPEN SPACE and SCENIC:

A. A scenic landscape and natural character which would be impaired by modification of the Property.

B. A scenic panorama visible to the public from publicly accessible sites which would be adversely affected by modifications of the natural habitat.

C. Relief from urban closeness.

D. Prominent visibility to the public from (INSERT), and, which will enhance tourism if preserved in its natural state.

E. Biological integrity of other land in the vicinity has been modified by intense urbanization, and the trend is expected to continue.

F. There is a reasonable possibility that the Conservancy may acquire other valuable property rights on nearby or adjacent properties to expand the Conservation Values preserved by this Conservation Easement.

PUBLIC POLICY:

G. 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."

H. 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: (For a more extensive list of relevant laws, see the Collection of Conservation, Preservation, and Environmental Laws and Summaries compiled by the Little Traverse Conservancy in April 2000 and provided to each land conservancy in Michigan.)

- 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.;
- Biological Diversity Conservation, Part 355 of the Michigan Natural Resources and Environmental Protection Act – MCL §§ 324.35501 et seq; (Legislative Findings § 324.35502);

- Sand Dune Protection and Management, Part 353 of the Michigan Natural Resources and Environmental Protection Act, MCL §§ 324.35301 et seq.; (Legislative Findings MCL § 324.35302);
- Wetland Protection, Part 303 of the Michigan Natural Resources and Environmental Act - MCL §§ 324.30301 et seq.; (Legislative Findings MCL § 324.30302);
- Water Pollution Control Act of 1972, 33 USC §§ 1251 - 1387 (§1251 Goals & Policy; § 1344 Wetlands permitting, aka "Section 404" Clean Water Act.);
- Coastal Zone Management Act, 16 USC §§ 1451 et seq.; (§§ 1451, 1452 Congressional Findings and Policy.);
- Shorelands Protection and Management, Part 323 of the Michigan Natural Resources and Environmental Protection Act - MCL §§ 324.32301 et seq.;
- Inland Lakes and Streams, Part 301 of the Michigan Natural Resources and Environmental Protection Act - MCL §§ 324.30101 et seq.;
- Great Lakes Submerged Lands, Part 325 of the Michigan Natural Resources and Environmental Protection Act - MCL §§ 324.32501 et seq.;
- Farmland and Open Space Preservation, Part 361 of the Michigan Natural Resources and Environmental Protection Act - MCL §§ 324.36101 et seq.;
- 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);

I. The (INSERT) governmental agency has endorsed the proposed scenic view of the Property under a landscape inventory, pursuant to a review process.

J. The (INSERT) office has recognized the importance of the Property as an ecological and scenic resource, by designating this and other land as (INSERT).

K. The Township / County of (INSERT) has designated this area as (INSERT) in its Comprehensive Plan dated (INSERT).

L. (Insert local policy statements which apply).

WILDLIFE VALUES:

M. The Property is home to many species of wildlife, including: (INSERT).

N. The Property provides vital corridor wetlands and upland wildlife habitats which serve as a connection for wildlife movement and create a natural "greenway" (INSERT AREA).

O. The Property is noteworthy for the (INSERT).

ECOLOGICAL / HABITAT:

P. The Property contains significant natural habitat in which fish, wildlife, plants, or the ecosystems which support them, thrive in a natural state.

Q. Wetlands, as described in Wetland Protection, Part 303 of the Michigan Natural Resources and Environmental Code MCL 324.30301 et seq., identified as

important natural resources for the people of the State of Michigan, are present on the Property.

R. Habitat for rare, endangered, or threatened species of animal, fish, plants, or fungi, including: (INSERT SPECIES). (INSERT if threatened or endangered and if in the State of Michigan or federal) are supported on the Property.

S. The Property contains natural areas which represent high quality examples of terrestrial or aquatic communities (INSERT).

T. The Property contains sustainable habitat for biodiverse vegetation, birds, fish, and terrestrial animals.

U. A diversity of plant and animal life are found on the Property in an unusually broad range of habitats for a property of its size.

V. The Property is characteristic of (INSERT). Its dominant vegetation is (INSERT) interspersed with (INSERT other habitats, streams, important natural features). These plant communities are in a relatively natural and undisturbed condition and support the full range of wildlife species found in these habitat types.

W. The Property contains natural wetland areas that provide habitat for aquatic invertebrates, reptiles, amphibians, and aquatic and/or emergent vegetation.

X. Valued native forest land exists on the Property, which includes diverse native species, trees of many age classes and structural diversity, including a multi-story canopy, standing dead trees and downed logs.

WATERSHED PROTECTION:

Y. The Property provides important natural land within the watershed of (INSERT). Protection of the Property in its natural and open space condition helps to ensure the quality and quantity of water resources for the (INSERT) area.

Z. The Property includes the (INSERT) feet of frontage on the (INSERT)(river, stream, lake).

AA. The Property has a significant amount of undeveloped frontage on the banks/shore of (INSERT), which is a State designated Natural River (designated as a Wilderness River, Wild and Scenic River, or Country-Scenic River) under the Natural Rivers Section (Part 305) of the Michigan's Natural Resources Environmental Protection Act, MCL §§ 324.30501-30515 et seq., (OR) a State designated "Blue Ribbon Trout Stream" considered by the Department of Natural Resources to be one of the "Top Ten" trout streams in Michigan.

BB. Sections of the property are situated on hillsides with slopes greater than 20% that are adjacent to or in close proximity to (INSERT BODY OF WATER OR STREAM) and the vegetated slopes would be highly susceptible to erosion damage and accelerated stormwater runoff that could adversely affect water quality if the trees or other vegetation were removed.

ADJACENT TO PROTECTED LANDS:

CC. The Property lies in close proximity to the following conserved properties which similarly preserve the existing natural habitat: (INSERT).

DD. This Easement protects a natural area which contributes to the ecological viability of a local, state, or national park, nature preserve, wildlife refuge, wilderness area, or similar conservation area.

EE. Preservation of the Property enables the Owner to integrate the Conservation values with other neighboring lands.

FARMLAND:

FF. The Property consists entirely of "prime farmland" and "farmland of local importance" as classified by the U.S. Department of Agriculture and the Natural Resources Conservation Service.

GG. The Property has a long history of productive farming and contains significant areas with soil classifications designated as (INSERT).

HH. The Property is located within (INSERT) Township, a community with an agriculture-based economy in an area presently experiencing rapid development, including the subdivision of prime farmland.

3. BASELINE DOCUMENTATION. Specific Conservation Values of the Property have been documented in a natural resource inventory signed by the Owner and the Conservancy. This "Baseline Documentation Report" consists of maps, a depiction of all existing human-made modifications, prominent vegetation, identification of flora and fauna, land use history, distinct natural features, and photographs. The parties acknowledge that this natural resources inventory, the Baseline Documentation Report, is an accurate representation of the Property at the time of this donation.

4. PROHIBITED ACTIONS. Any activity on, or use of, the Property which is inconsistent with the Purposes of this Conservation Easement or which is detrimental to the Conservation Values is expressly prohibited. By way of example, but not by way of limitation, the following activities and uses are explicitly prohibited:

A. Division. Any division or subdivision of the Property is prohibited.

B. Commercial Activities. Any commercial activity on the Property is prohibited. De minimis commercial recreational activity is, however, permitted.

C. Industrial Activities. Any industrial activity on the Property is prohibited.

D. Construction. The placement or construction of any human-made modification such as, but not limited to, structures, buildings, fences, roads, and parking lots is prohibited.

E. Cutting Vegetation. Any cutting of trees or vegetation, including pruning or trimming, is prohibited, except for the cutting or removal of trees or vegetation which pose a threat to human life or property.

F. Land Surface Alteration. Any mining or alteration of the surface of the land is prohibited, including any substance that must be quarried or removed by methods that will consume or deplete the surface estate, including, but not limited to, the removal of topsoil, sand, gravel, rock, and peat. In addition, exploring for, developing, and extracting oil, gas, hydrocarbons, or petroleum products are all prohibited activities.

G. Dumping. Waste and unsightly or offensive material is not allowed and may not be accumulated on the Property.

H. Water Courses, Ground Water. Natural water courses, lakes, wetlands, or other bodies of water may not be altered. In addition, water from ground or surface sources may not be diverted.

I. Off-Road Recreational Vehicles. Motorized off-road vehicles such as, but not limited to, snowmobiles, dune buggies, all-terrain vehicles, and motorcycles may not be operated off of designated roads on the Property.

J. Signs and Billboards. Billboards are prohibited. Signs are prohibited, except the following signs may be displayed to state:

The name and address of the property or the owner's name.
The area is protected by a conservation easement.
Prohibition of any unauthorized entry or use.
An advertisement for the sale or rent of the Property.

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

A. Right to Convey. The Owner 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 Owner will be bound by all obligations in this agreement.

B. (Optional) Right to Maintain and Replace Existing Structures. The Owner retains the right to maintain, renovate, and replace the existing structure(s) as noted in the Baseline Documentation Report in substantially the same location and size. Any expansion or replacement may not substantially alter the character or function of the structure. Prior to beginning renovation or replacement of the existing structures, the Owner will provide a written plan to the Conservancy for the Conservancy's review and approval. Such approval shall not be unreasonably withheld.

C. (Optional) Right to Add Designated Structures or Uses. The Owner retains the right to add the following structures, modifications, or uses on the following legally described portion of the Property (Insert legal description of building envelope). Prior to beginning construction, the Owner will provide a written plan to the Conservancy for the Conservancy's review and approval. Such approval shall not be unreasonably withheld.

1. _____
2. _____
3. _____

6. RIGHTS OF THE CONSERVANCY. The Owner confers the following rights upon the Conservancy to perpetually maintain the Conservation Values of the Property:

A. Right to Enter. The Conservancy has the right to enter the Property at reasonable times to monitor the Conservation Easement Property. Furthermore, the Conservancy has the right to enter the Property at reasonable times to enforce compliance with, or otherwise exercise its rights under, this Conservation Easement. The Conservancy may not, however, unreasonably interfere with the Owner's use and quiet enjoyment of the Property. The Conservancy has no right

to permit others to enter the Property. The general public is not granted access to the Property under this Conservation Easement.

B. Right to Preserve. The Conservancy 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 Conservancy has the right to require the Owner to restore the areas or features of the Property which are damaged by any activity inconsistent with this Conservation Easement.

D. Signs. The Conservancy 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 Owner's approval.

7. CONSERVANCY'S REMEDIES. This section addresses cumulative remedies of the Conservancy and limitations on these remedies.

A. Delay in Enforcement. A delay in enforcement shall not be construed as a waiver of the Conservancy's right to eventually enforce the terms of this Conservation Easement.

B. Acts Beyond Owner's Control. The Conservancy may not bring an action against the Owner for modifications to the Property resulting from causes beyond the Owners' 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 Owner's well-intentioned action in response to an emergency resulting in changes to the Property. The Owner has no responsibility under this Conservation Easement for such unintended modifications.

C. Notice and Demand. If the Conservancy determines that the Owner is in violation of this Conservation Easement, or that a violation is threatened, the Conservancy shall provide written notice to the Owner. 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.

However, if at any time the Conservancy determines, at its sole discretion, that the violation constitutes immediate and irreparable harm, no written notice is required. The Conservancy may then immediately pursue its remedies to prevent or limit harm to the Conservation Values of the Property.

If the Conservancy determines that this Conservation Easement is, or is expected to be, violated, and the Conservancy's good-faith and reasonable efforts to notify the Owner are unsuccessful, the Conservancy may pursue its lawful remedies to mitigate or prevent harm to the Conservation Values without prior notice and without awaiting the Owner's opportunity to cure. The Owner agrees to reimburse all reasonable costs associated with this effort.

D. Failure to Act. If, within 28 days after written notice, the Owner does not implement corrective measures requested by the Conservancy, the Conservancy may bring an action in law or in equity to enforce the terms of the Conservation Easement. In the case of immediate or irreparable harm, or if an Owner is unable to be notified, the Conservancy may invoke these same remedies without notification and/or awaiting the expiration of the 28-day period.

The Conservancy is entitled 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 Owner to restore the Property. If the court determines that the Owner has failed to comply with this Conservation Easement, the Owner shall also reimburse the Conservancy for all reasonable litigation costs and reasonable attorney's fees, and all costs of corrective action or Property restoration incurred by the Conservancy.

E. Unreasonable Litigation. If the Conservancy initiates litigation against the Owner 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 Conservancy to reimburse the Owner's reasonable costs and reasonable attorney's fees in defending the action.

F. Actual or Threatened Non-Compliance. The Conservancy's rights under this Section, Conservancy Remedies, apply equally in the event of either actual or threatened violations of the terms of this Easement. The Owner agrees that the Conservancy's claim for money damages for any violation of the terms of this Easement is inadequate. The Conservancy shall also be entitled to affirmative and prohibitive injunctive relief and specific performance, both prohibitive and mandatory. The Conservancy's claim for injunctive relief or specific performance for a violation of this Conservation Easement shall not require proof of actual damages to the Conservation Values.

G. Cumulative Remedies. The preceding remedies of the Conservancy are cumulative. Any, or all, of the remedies may be invoked by the Conservancy if there is an actual or threatened violation of this Conservation Easement.

8. NOTIFICATION PROVISION. The Conservancy is entitled to 60 Days written notice whenever its approval is required under this Conservation Easement. If the Conservancy fails to respond within 60 Days after it receives the written request, then its approval shall be deemed given. This implied approval shall not extend to any activity contrary to this Conservation Easement or impairing a Conservation Value. The Conservancy's approval shall continue for three years. If the approved activity is not completed within three years after the approval date, then the Owner must re-submit the written application to the Conservancy.

9. CONSERVATION EASEMENT REQUIREMENTS UNDER MICHIGAN LAW AND UNITED STATES TREASURY REGULATIONS.

A. 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.

B. This Conservation Easement is established for conservation purposes pursuant to the Internal Revenue Code, as amended at Title 26, U.S.C.A., Section 170(h)(1)-(6) and Sections 2031(c), 2055, and 2522, and under Treasury Regulations at Title 26 C.F.R. § 1.170A-14 et seq, as amended.

C. The Conservancy is qualified to hold conservation easements pursuant to these statutes. It is a publicly funded, non-profit 501(c)(3) organization.

10. OWNERSHIP COSTS AND LIABILITIES. In accepting this Conservation Easement, the Conservancy shall have no liability or other obligation for costs, liabilities, taxes, or insurance of any kind related to the Property. The Conservancy'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 Conservancy, 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 Owner agrees to defend the Conservancy against such claims arising during the term of the Owner's ownership of the Property.

11. HAZARDOUS MATERIALS. (Suggested, but optional language) The Owner warrants that Owner has no knowledge of a release of hazardous substances or hazardous wastes on the Property. The Owner agrees to protect and defend the Conservancy against any claims of hazardous materials contamination on the Property.

12. CESSATION OF EXISTENCE. If the Conservancy 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 Conservancy 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 Conservancy'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.

13. TERMINATION. This Conservation Easement may be extinguished only by an unexpected change in condition which causes it to be impossible to fulfill the Conservation Easement's purposes, or by exercise of eminent domain.

    A. Unexpected Change in Conditions. If subsequent circumstances render the Purposes of this Conservation Easement impossible to fulfill, then this Conservation Easement may be partially or entirely terminated only by judicial proceedings. The Conservancy will then be entitled to compensation in accordance with the provisions of IRC Treasury Regulations Section 1.170A-14(g)(6)(ii).

    B. Eminent Domain. If the Property is taken, in whole or in part, by power of eminent domain, then the Conservancy will be entitled to compensation by the method as is set forth in IRC Treasury Regulations Section 1.170A-14(g)(6)(ii).

14. 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.

15. 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 (at the last known address of a party) by First Class mail.

16. SEVERABILITY. If any portion of this Conservation Easement is determined to be invalid, the remaining provisions will remain in force.

17. SUCCESSORS. This Conservation Easement is binding upon, and inures to the benefit of, the Donor/Owner's and the Conservancy's successors in interest. All subsequent Owners of the Property are bound to all provisions of this Conservation Easement to the same extent as the Donor.

18. 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.

19. MICHIGAN LAW. This Conservation Easement will be construed in accordance with Michigan Law.

20. ENTIRE AGREEMENT. This Conservation Easement sets forth the entire agreement of the parties. It is intended to supersede all prior discussions or understandings.

SIGNATURES

EASEMENT GRANTOR SIGNATURES

COMMUNITY/CONSERVANCY: WITNESSES:

_____ _____

PRINT NAME UNDER SIGNATURE

_____ _____

PRINT NAME UNDER SIGNATURE

STATE OF MICHIGAN)
)
COUNTY OF)

Acknowledged before me on this _____ day of _____, 2011, by (Insert Executive Director, Clerk's or signer's name, known to me to be the _____of the (Insert agency name).

Notary Public
_____County,
Michigan

My commission expires: _____

_____
NOTARY SIGNATURE

EASEMENT RECIPIENT SIGNATURES

COMMUNITY/CONSERVANCY: WITNESSES:

_____ _____

PRINT NAME UNDER SIGNATURE

_____ _____

PRINT NAME UNDER SIGNATURE

STATE OF MICHIGAN)
)
COUNTY OF)

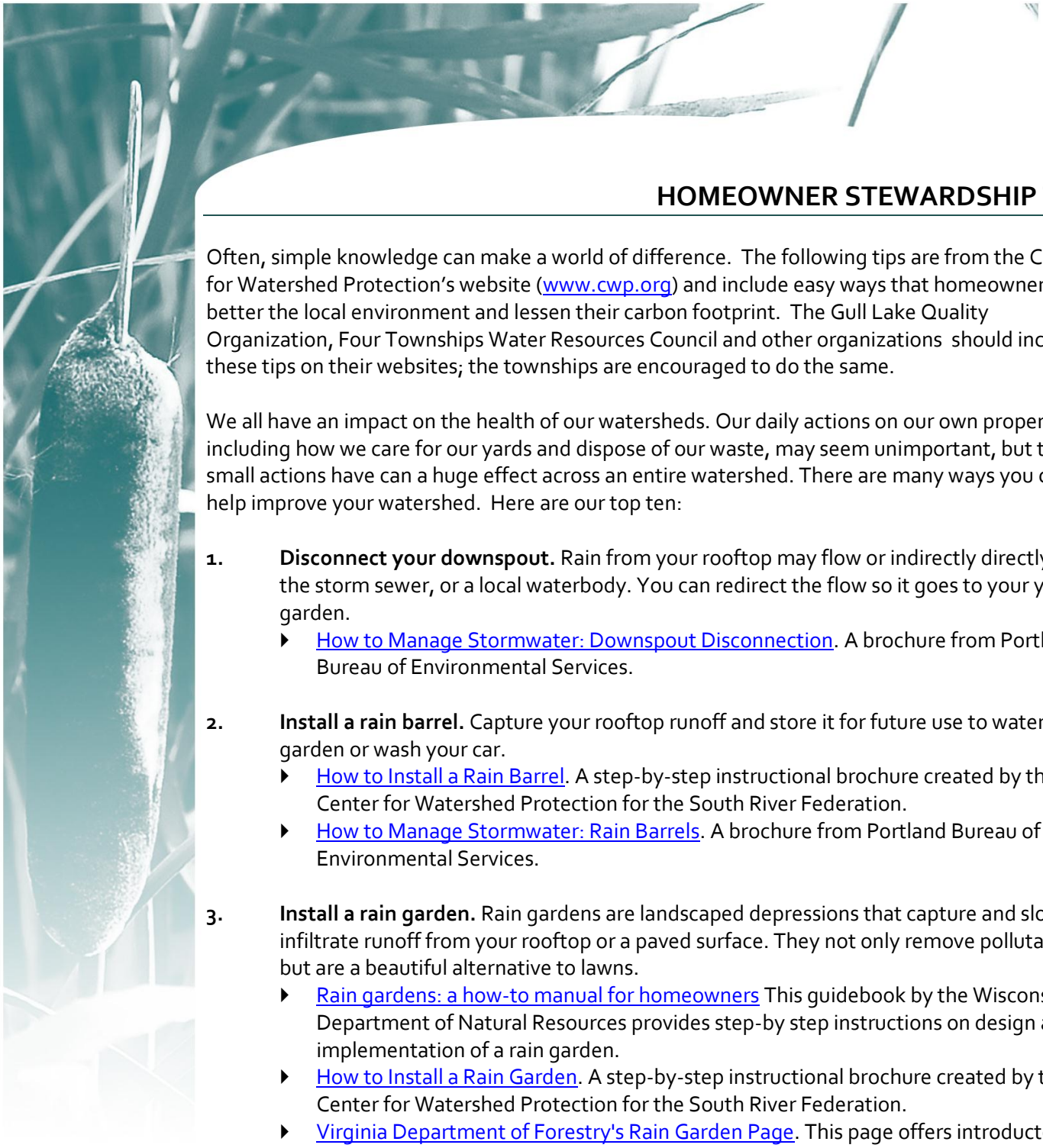
Acknowledged before me on this _____ day of _____, 2011, by (Insert Executive Director, Clerk's or signer's name, known to me to be the _____of the (Insert agency name).

Notary Public
_____County,
Michigan

My commission expires: _____

_____
NOTARY SIGNATURE

AFTER RECORDING SEND TO:	Insert correct name and address
SEND TAX BILL TO:	Owner
PREPARED BY:	Insert name and address



HOMEOWNER STEWARDSHIP TIPS

Often, simple knowledge can make a world of difference. The following tips are from the Center for Watershed Protection's website (www.cwp.org) and include easy ways that homeowners can better the local environment and lessen their carbon footprint. The Gull Lake Quality Organization, Four Townships Water Resources Council and other organizations should include these tips on their websites; the townships are encouraged to do the same.

We all have an impact on the health of our watersheds. Our daily actions on our own properties, including how we care for our yards and dispose of our waste, may seem unimportant, but these small actions have can a huge effect across an entire watershed. There are many ways you can help improve your watershed. Here are our top ten:

1. **Disconnect your downspout.** Rain from your rooftop may flow or indirectly directly to the storm sewer, or a local waterbody. You can redirect the flow so it goes to your yard or garden.
   - How to Manage Stormwater: Downspout Disconnection. A brochure from Portland Bureau of Environmental Services.

2. **Install a rain barrel.** Capture your rooftop runoff and store it for future use to water your garden or wash your car.
   - How to Install a Rain Barrel. A step-by-step instructional brochure created by the Center for Watershed Protection for the South River Federation.
   - How to Manage Stormwater: Rain Barrels. A brochure from Portland Bureau of Environmental Services.

3. **Install a rain garden.** Rain gardens are landscaped depressions that capture and slowly infiltrate runoff from your rooftop or a paved surface. They not only remove pollutants but are a beautiful alternative to lawns.
   - Rain gardens: a how-to manual for homeowners This guidebook by the Wisconsin Department of Natural Resources provides step-by step instructions on design and implementation of a rain garden.
   - How to Install a Rain Garden. A step-by-step instructional brochure created by the Center for Watershed Protection for the South River Federation.
   - Virginia Department of Forestry's Rain Garden Page. This page offers introductory language as well as a technical manual providing a step by step "how-to" to create your own rain garden.

4. **Plant a tree.** Trees provide oxygen to breathe, clean the air of pollution, reduce runoff, and when located properly can even lower heating and cooling costs. If you have a stream on your property, consider planting trees along the stream to stabilize the banks, provide shade to stream organisms, and filter pollutants from runoff.
   - Watch this video on how to plant a tree (the right way) by Planting America
   - Learn more about planting and maintaining trees in urban areas at the Watershed Forestry Resource Guide
   - Order trees from the National Arbor Day Foundation

- Riparian Forest Buffer Design and Maintenance. This guide, from the Maryland Department of Natural Resources, has been prepared for those who wish to establish a forest buffer in the Chesapeake Bay Region efficiently, effectively, and with a minimum of maintenance.

5. **Landscape with native plants.** Native plants require less water and fertilizer and are more resistant to pests and disease since they are already adapted to local conditions.
   - National Wildlife Federation information on attracting wildlife with native plants. Includes links to regional lists of native plants, sample landscape plans, and more.
   - Native Plants for Wildlife Habitat and Conservation Landscaping: Chesapeake Bay Watershed This guidebook from the U.S. Fish and Wildlife Service categorizes all the Bay area's native plants with photos, characteristics, conditions, habitat, and wildlife.

6. **If you have a lawn, make it a low-input one.** This means managing your lawn to use the least amount of water, fertilizer and pesticides possible, which also translates into low inputs of your own dollars!
   - Gardening with Nature: Frequently Asked Questions about your lawn. Gardening With Nature's Carl Salsedo answers your questions on how to best care for your lawn in an environmentally friendly way.
   - The webpage Know Your Soil: Soil Testing for Lawns and Gardens by the Mid-America Regional Council provides guidance on how to test your soil and use the results to determine how much fertilizer your soil really needs.
   - Cornell Cooperative Extension The Homeowner's Lawn Care Water Quality Almanac provides lawn care advice for each month of the year that balances the need for water quality protection.

7. **Pick up after your dog.** Dispose of pet waste properly by either flushing it down the toilet, putting it in the trash in a sealed plastic bag, or burying it in your yard.
   - Pet Waste fact sheet from the City of Carmel, Indiana

8. **Maintain your septic system.** Have your septic system inspected every two to three years by a licensed septic tank service contractor, and pumped as recommended by the inspector (generally every 3-5 years). Septic system failures can be costly and also contaminate groundwater and nearby surface waters.
   - A Homeowner's Guide to Septic Systems, a brochure developed by the EPA that details all you need to know about your septic system and its maintenance.

9. **Properly dispose of household hazardous wastes.** This includes many paints, solvents, used motor oil, pesticides, cleaning products and more. These substances should be disposed of at a household hazardous waste collection program or recycling facility, and should not be discarded in the trash, sink or storm drain.
   - Learn more about how to safely handle and dispose of these materials at EPA's website on Household Hazardous Waste
   - Locate a recycling center near you to dispose of your used batteries, light bulbs, medications, paint and more at Earth911.
   - The US Department of Health and Human Services' Household Products Database provides health and safety info on household products. Learn more about what's in these products, potential health effects, and safety and handling.

10. **Join a local watershed organization!**
    - Visit EPA's Surf Your Watershed to find a watershed organization near you.

ALTERNATIVE SEAWALL DESIGN

Seawalls can be both beneficial and detrimental - while on one hand they can protect the shoreline of one lot, they can on the other, contribute to down shore erosion of another lot. Erosion of shoreline can threaten the structural integrity of buildings, eliminate important aquatic habitat and degrade property values. Because traditional seawalls and jetties have been known to cause off-site erosion, riparian landowners are now turning to other "softer" measures to protect the shoreline.

- Shoreline vegetation can be the best option in terms of protecting shoreline while providing habitat area and water quality protection. However, on recreational lakes like Gull Lake, achieving a full vegetative buffer may not be practical. Most homes on Gull Lake have some vegetation along the shoreline. Existing vegetation should be preserved as much as possible (a buffer protection ordinance example is provided in this Guidebook) and restoration efforts made in areas where erosion is observed. In any case, use of native plants is important to avoid introduction of invasive species to the lake.

- Beach nourishment is the physical act of replacing lost beach sand. Because it does not correct the root problem, nourishment is often an ongoing process, which can be costly in the long-term.

- Onshore jetties or low-profile rip-rap (see photo, right) helps to avoid erosion, but is less effective at long-term prevention because the areas in between can become susceptible.

- Offshore breakwater structures can help to dissipate energy transfer by breaking water a ways off shore. This helps to prevent waves crashing on the beach, which often causes higher erosion rates.

- Articulated concrete blocks (ABCs) and turf mats can help provide a more stubborn object for water to move. Rather than adding beach sand, which we know to be easily mobile, use of ABCs can help stabilize the ground over which sand is laid. The result is a natural-looking beach that is stabilized from below.

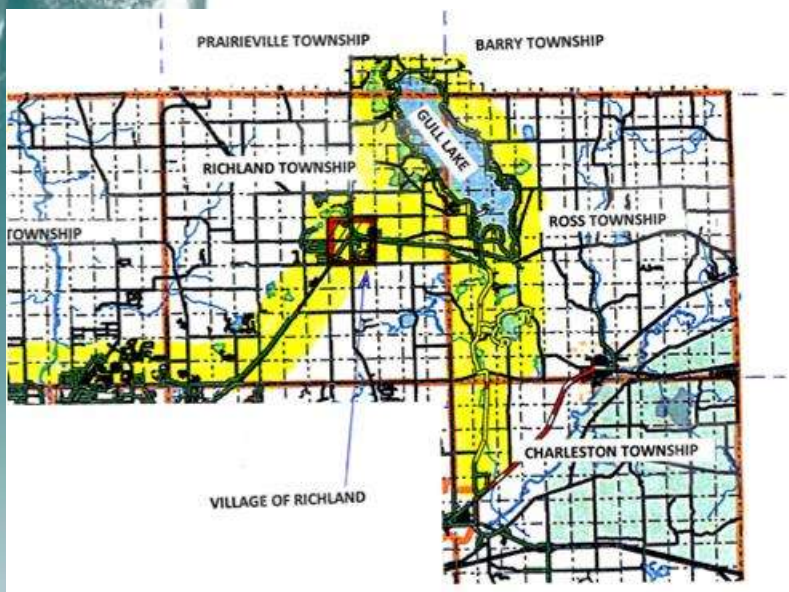
Example of low-profile rip rap

Example of articulated concrete block and turf mat

WASTEWATER MANAGEMENT

Gull Lake Sewer and Water Authority

The Gull Lake Sewer and Water Authority (GLSWA) was created in 1980 by the Townships of Ross, Richland, Barry and Prairieville. The system has over 50 miles of collector sewer line, 35 pump stations, and over 2,000 customers. It was originally developed after a group of Gull Lake property owners began the process of planning a public sewer system. The first ground breaking occurred in 1982, and the final bond on the original construction was paid off in 2003.



GLSWA District (area in yellow) within the Gull Lake Watershed

The Authority provides complete system management, maintenance, repair and upgrades to all of Ross, Richland and Cooper Townships, the Village of Richland, and portions of Charleston, Barry and Prairieville Townships.

Until 2007, connection was mandatory throughout most of the Gull Lake Districts, except the Village of Richland. After 2008, the Authority and its municipalities adopted new ordinances that have non-mandatory connection. When septic systems fail, connection must occur.

Well and Septic

Many homes within the watershed are not yet connected to municipal sanitary sewer facilities, and instead utilize individual septic systems. While septic systems are generally considered a safe and effective way to manage residential waste, they are prone to failure if not managed properly. Widespread septic failure can severely impact groundwater supply, local habitat and surface water resources. Modern septic standards require an alternative drainfield be provided for new septic systems, but many homes build prior to this standard do not have the land area to accommodate a new field if the current system fails. Therefore, it is crucial that existing systems are maintained properly. The following 4 tips for septic system maintenance are provided by the U.S. Environmental Protection Agency:

1. Inspect and pump
   - Inspect every 3 years by a professional
   - Pump as recommended by the inspector (generally every 3 to 5 years)
2. Use water efficiently.
   - Install faucet aerators and high-efficiency appliances, toilets and showerheads
   - Fill the bathtub with only as much water as you need
   - Turn off faucets while shaving or brushing your teeth

- Run the dishwasher and clothes washer only when they're full
- Maintain fixtures to eliminate leaks and make sure all faucets are completely turned off when not in use

3. Limit hazardous materials.
   - Don't flush bathroom items that can clog the system
   - Limit cleaning chemicals that can kill the helpful bacteria in your system
   - Throw away diapers, cat litter, cigarette butts and other non-degradable items
   - Dispose of gasoline, oil, pesticides, antifreeze, and paint properly
   - Fats, oils, and grease should be limited to prevent frequent pumping
4. Care for your drainfield.
   - Don't plant potentially damaging plants over or immediately near the drainfield.
   - Don't drive or park on your drainfield or septic tank.
   - Keep surface water drainage away from the drainfield.

Maintenance of residential wells is needed to protect the water table. Groundwater supplies can be contaminated if wells are left open, are poorly designed, or improperly maintained.

- Cap wells properly. Particulates, fertilizers, contaminated runoff and even vermin can enter the supply if a well is left open.
- Properly abandon unused wells.
- Ensure grades slope away from the wellhead.
- Refrain from using heavy lawn chemicals and fertilizers near the wellhead.
- Make sure plumbing systems are properly installed with backflow restrictors.
- Where basement well pits exist, protect them from potential sewer back ups or other contaminants in the home.

SUBDIVISION REGULATIONS

While many of the model ordinances provided in this Guidebook are intended to address environmental issues, sometimes they can be minimized proactively through thoughtful development design. Local subdivision regulations often require compliance with the layout and lot size requirements of the zoning ordinance, but it often regulates other things like streets, common lands, and public access separately. Therefore, each local ordinance should be reviewed to ensure the following regulatory approaches are included:

- **Street connectivity.** Connected streets have been found to result in shorter and fewer vehicle trips, which reduces fuel consumption and emissions. Because they often contain lower speed roads, subdivision connectivity also provides safer pedestrian routes. Local land division or subdivision control ordinances should require that streets in new developments provide connections to off-site developments, both existing and anticipated. Incorporating stub roads into the plan ensures the development will not be quarantined by future development.

- **Community Lands.** Subdivision regulations should govern how community open spaces and shared buffers are managed. Requirements for shared facilities should be included in the zoning ordinance, but also referred to in the subdivision ordinance where possible. Provisions for permanent protection using a conservation easement (see model easement provided in this Guidebook), ongoing maintenance, and use should be addressed in the ordinance.

- **Public Access.** In many cases, it is beneficial to have such resources owned by the homeowner's association because they are less likely to be careless, and it provides a greater sense of responsibility. The result is often larger, more meaningful open spaces, natural areas and buffers than could otherwise be provided on each individual lot. Buffer averaging could be uses in these cases to allow for strategic cutting of vegetation in less sensitive areas in exchange for a wider buffer where it may be needed most.

- **Road ends.** Historic subdivision patterns often resulted in roads stubbing at the shoreline. Road ends located amongst residential lots are often requested to be vacated by the immediate land owners, to increase their property and prevent intrusion by the general public. Such requests need to be carefully considered, as road ends can serve a future purpose. Some communities modify them into boat launches or community parks. Others reserve the land for other practical reasons. Regardless of the reason, road ends should be retained because:
  - They provide public access to the waterfront
  - They preserve access to the waterfront for any future public need
  - They provide public land for utility structures that may be needed in the future
  - They maintain the natural character of the Township as open space, and open views of the water

Policy for Road Vacations

I. **Authority.** The Wayne County DPS has authority to vacate roads, which include any public street, alley, lane, parkway, avenue, road or other public way designated or dedicated on a plat, conveyed by deed or recorded easement, or acquired by prescriptive use, whether or not it has ever been used as such.

II. **Purpose.** The purpose of this policy is to:

A. Protect the general health, safety and welfare of the citizens of Grosse Ile and Wayne County.

B. Ensure proper road rights-of-way are maintained in the public interest for future travel, recreation, utilities, emergency access, or otherwise.

C. Establish guidelines for reviewing permanent road closures and vacations when notified of such applications by the Wayne County Road Commission.

III. **Review Guidelines.** The following issues will be considered by the Board of Trustees when deciding its interest in retaining existing rights-of-way proposed to be vacated:

A. **Relationship to Other Roads.** Whether the physical relationship of the right of way to other roads is needed for proper traffic circulation and logical development patterns. Roads should not be closed, vacated, or abandoned when land uses or development plans indicate their usefulness for area circulation. Prior to a vacation decision, an examination should be made of its probable effect on overall area circulation in the neighborhood. Street connectivity, multiple points of access to neighborhoods and small block size should be considered a positive tool toward improving neighborhood access, circulation and walkability.

B. **Relationship to Adjacent Land.** Whether the vacation of the roadway would deny access to any property owner. Whether the right-of-way lends itself to the development of abutting properties into adequately sized lots or parcels

C. **Usefulness for Emergency Services.** Whether the effectiveness of fire, medical, law enforcement, or other emergency services will be impaired by the closure, vacation, or abandonment of county rights-of-way. Appropriate authorities should be consulted with respect to this policy.

D. **Usefulness for Public Utilities.** Whether such routes can effectively be used for utility corridors. Public and private utility companies and their plans should be consulted with respect to this policy.

E. **Usefulness for Public Water Access.** Whether the vacation is to enable the Township to acquire the vacated property for water access, boat moorage, or launching sites or for park, viewpoint, recreational, education, or other public purposes.

F. **Usefulness for Public Recreation.** Whether such routes can effectively be used for trails or pathways. Suitable trail easements could be retained as a means of satisfying this policy. The Grosse Ile Township Parks and Recreation Master Plan and Wayne County Parks, Recreation, and Open Space Plan should be used as guides to determine trail needs.

G. **Determination of Public Benefit.** Whether the proposed vacation would be contrary to general public benefit. A public right-of-way, for a road or other use, is a public trust and should be considered as such prior to any recommendation for approval of its vacation. The fact that abutting property owners are in agreement for a proposed vacation does not necessarily mean that the vacation should be granted.

H. **History of Use and Probability of Future Use.** Whether the roadway has been opened for use in past years and should be vacated if probable or possible future area development could result in opening the roadway for use.

I. **Feasibility of Improving R.O.W.** What the economic feasibility of constructing a road over the existing terrain would be.

J. **Obsolete Roads.** Whether the existing right of way has been replaced or superceded by a nearby road relocation or if there is a planned road relocation.

K. **Special Considerations.** Whether there are any special considerations pertinent to this road vacation.

L. **Consistency with Master Plan.** Whether the proposed road vacation complies with the Grosse Ile Township Master Plan and any other applicable plans, policies, or ordinances.

M. **Existing Roads Already Constructed.** Whether or not a roadway is currently constructed on right-of-way to be vacated.

Resolution
Township Board of Trustees

Whereas, the Grosse Ile Township Board (hereinafter referred to as the "township") sees potential public benefit in retaining existing road rights-of-way, whether improved or not, for purposes of travel, recreation, utilities, emergency access, or otherwise; and

Whereas, when such road rights-of-way fall under the jurisdiction of the Wayne County Department of Public Services (hereinafter referred to as the "Wayne County DPS") they may be vacated according to Act 283 of 1909; and

Whereas, Wayne County DPS provides notice to the Township of any vacation request; and

Whereas, the current policy of the Wayne County DPS is to assume the Township has no interest unless specifically noted in writing within thirty (30) days of receipt of any vacation request; and

Whereas, the Township wishes to have the opportunity to obtain any vacated right-of-way for public purpose before associated property is deeded to other parties; and

Whereas, the Township prefers the Wayne County DPS make the assumption that the Township has an interest in all possible right-of-way vacation requests unless specifically notified that they do not have an interest;

Therefore, be it resolved, Grosse Ile Township proclaims its interest in retaining existing rights-of-way, especially those providing public access to the water, whether improved or not; and

Be it further resolved, the Grosse Ile Township Board of Trustees has adopted the attached Policy for Road Vacations that will guide future decisions of the Board regarding whether to retain rights-of-way that are requested to be vacated; and

Be it further resolved, the Township respectfully requests the Wayne County DPS and/or Board of Commissioners consult them prior to taking official action to vacate any roads within the Township boundary to ensure it complies with this Policy of Road Vacations.

Michigan Complete Streets Coalition

www.MICompleteStreets.org

What are complete streets?

Roadways designed (or redesigned) and operated to enable safe access for all users. Pedestrians, bicyclists, motorists and transit riders of all ages and disabilities must be able to safely move along and across a complete street.

Where do you want to live?

Or

Why build complete streets?

- 1/3 of Michigan residents do not drive– they are too young, elderly or have a disability.
- Recent surveys show that people want to use alternative transportation, but roadway design often makes it unpleasant or dangerous to do so.
- 13% of pedestrians and cyclists are involved in fatal traffic accidents, but states spend only 1.5% of their federal transportation dollars on pedestrian and bicycle projects.
- Complete streets are an important component of creating vibrant places where people want to live and businesses want to locate.

Did you know?

A March 2010 policy statement from the USDOT calls for the inclusion of walking and biking in transportation projects with particular attention paid to transit riders and people of all ages and abilities.

What do they look like?

There is no prescription for a complete street, but common features can include:

- Sidewalks
- Bike Lanes
- Wide Shoulders
- ADA Accessible Crosswalks & Ramps
- ADA Accessible Bus Stops & Shelters
- Pedestrian crossings at signalized intersections
- Bridges with non-motorized access

Complete Streets

Benefits:

- Create a livable community
- Spark economic revitalization
- Provide children, older adults and persons with disabilities with safe mobility options
- Promote healthy lifestyles
- Create connected transportation networks
- Make public transit safe and convenient
- Reduce air and water pollution

Are complete streets costly?

No! Complete streets are long-term investments. Implementing a proactive planning process and policies allows for projects to be accomplished with little or no extra cost.

For more information, visit: **www.completestreets.org**

Did you know?

Complete streets policies have been adopted in more than 120 jurisdictions nationwide at the state and local levels. A complete streets policy could be a resolution, local ordinance, DOT planning guide, or legislation.

Get Involved!

- Let local and state leaders know you support complete streets. Write them a letter or attend a public meeting.
- Walk, bike, and use public transit.
- Join the Michigan Complete Streets Coalition. Visit **www.micompletestreets.org** to learn more and be an advocate.

Michigan Complete Streets Coalition

www.MICompleteStreets.org

Photos courtesy of PBIC: www.pedbikeimages.org