

# CITY OF MASON

201 West Ash St.  
Mason, MI 48854-0370

City Hall (517) 676-9155  
Fax (517) 676-1330

## PLANNING COMMISSION MEETING - COUNCIL CHAMBER

Tuesday, May 13, 2014

6:30 p.m.

### Agenda

1. Call to Order
2. Roll Call
3. Approval of Minutes: April 15, 2014
4. People from the Floor
5. Announcements
6. Regular Business
  - A. Final Site Plan Review – Landings at Rayner Ponds  
Resolution 2014-03 – A Resolution Approving a Final Site Plan to Amend Phase III of the Landings at Rayner Ponds Condominium Development to Convert the Remaining Undeveloped Land to Single Family Condominium Lots
  - B. Discussion – Master Plan Implementation Strategy
7. Unfinished Business
8. New Business
9. Correspondence
  - Planning & Zoning News, March 2014
10. Liaison Reports
11. Director Report
12. Administrator Report
13. Adjournment

**CITY OF MASON  
PLANNING COMMISSION MEETING  
MINUTES OF APRIL 15, 2014**

Reeser called the meeting to order at 6:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan.

Present: Commissioners: Barna, Hude, King, Reeser, Sabbadin, Waxman  
Absent: Commissioners: Fischer, Naeyaert, Trotter  
Also present: David Haywood, Zoning & Development Director  
Deborah J. Cwiertniewicz, City Clerk

**APPROVAL OF MINUTES:**

**Regular Minutes of March 11, 2014**

The regular meeting Minutes of March 11, 2014, were approved as submitted.

**PEOPLE FROM THE FLOOR**

None.

**ANNOUNCEMENTS**

- Mason Fire Fighter Association Annual Pancake Breakfast – May 3, 2014
- Narcotics and Opiates Forum – May 2, 2014
- Arbor Day Celebration – April 25, 2014

**REGULAR BUSINESS**

**Report – Medical Marihuana Ordinance**

Haywood reported on the ordinance recently adopted by City Council regarding medical marihuana operations and dispensaries. As a result of the Michigan Supreme Court ruling in February of 2014, the Federal Controlled Substance Act does not pre-empt State or local ordinances and the Michigan Medical Marihuana Act should be applied and followed, which declares Ordinance No. 180 invalid. Ordinance No. 196 was adopted which defines medical marihuana operations and dispensaries and sets the requirements and effects of acquiring and holding a license in the city. Council immediately adopted a resolution setting a temporary moratorium on the issuance of licenses for primary caregiver operations and dispensaries for 180 days.

**Discussion – Master Plan Implementation Strategy**

Haywood informed the Commission that the City Council adopted the Master Plan Update 2014. He suggested that the Commission begin to evaluate and prioritize the implementation strategies outlined in chapter five of the Plan. A brief discussion ensued; Haywood will present chapter five as an item of business at the next regular meeting for beginning the process of review.

**UNFINISHED BUSINESS**

None.

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**NEW BUSINESS**

None.

**CORRESPONDENCE**

Distributed.

**LIAISON REPORTS**

None.

**DIRECTOR REPORT**

Haywood informed the Commission regarding current zoning and development business.

**ADMINISTRATOR'S REPORT**

None.

**ADJOURNMENT**

The meeting adjourned at 6:58 p.m.

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Deborah J. Cwierniewicz, City Clerk

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Jim King, Secretary

# City of Mason

201 W. Ash St.  
P.O. Box 370  
Mason, MI 48854-0370  
www.mason.mi.us



City Hall 517 676-9155  
Police 517 676-2458  
Fax 517 676-1330  
TDD 1-800-649-3777

## MEMORANDUM

TO: Planning Commission

FROM: David E. Haywood, Zoning & Development Director 

SUBJECT: Special Use Permit and Preliminary Site Plan Review – Landings at Rayner Ponds Condominium Development

DATE: May 9, 2014

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The applicant (Rayner Ponds LLC) is requesting an amendment to the approved site plan for Phase III of the Landings at Rayner Ponds Condominium Development to convert the remaining undeveloped land to single family condominium lots. The proposed site plan proposes to convert 22 attached units (duplexes and triplexes) to 16 single family detached site condominiums. The subject site is zoned RS-2 Single Family Residential.

### HISTORY:

The applicant received special use permit and preliminary site plan approval in December of 2013. They are now requesting final site plan approval.

The history of this development is somewhat complex. A special use permit was issued by the Planning Commission for a community unit plan consisting of five phases, including the subject site, in 1999. Since that time three phases have been built or started. Phase I received final site plan approval in 1999 and is built out (complete). Phase II received final site plan approval in 2001 and is nearly complete with one building (duplex) remaining to be built. Phase III received final site plan approval in 2003 and is just over 50% complete.

### SITE PLAN REVIEW:

The site plan for Phase III was conducted by applying the standards of site plan approval found in Section 8.8 of Ordinance 135 (Zoning Ordinance). Section 8.9.1 requires that amendments to

approved site plans may be done only by the original approving authority (i.e. Planning Commission).

**Plan Details:**

The “Square Footage Chart” on the Site and Utility Plan sheet and the “Proposed Lot Grades” chart on sheet four references incorrect unit numbers. These should be revised accordingly.

The plans have been revised that affects the overall number of units being converted. The application lists 24 attached units being converted to 18 unattached units. However, on the site plan and master deed show 22 attached units being converted to 16 unattached units. Staff has confirmed with the applicant that the latter is correct.

**Preliminary Site Plan Requirements (Resolution 2013-14)**

Resolution 2013-14 listed several conditions that needed to be addressed prior to final site plan approval. The conditions are listed below, including a brief description of how the applicant has addressed each one.

1. **Timing of build-out** – The applicant has provided a construction schedule indicating an absorption rate of five to six units per year, which would accomplish a build-out in three years.
2. **Analysis of surety for public improvements** – A letter of credit has been received. However, details describing how the figure in the letter of credit was computed have not been received.
3. **Zoning and land use of adjacent properties** – the plan now shows this requirement.
4. **Label Coppersmith Drive as public** – Coppersmith Dr. is now properly labeled.
5. **A revised master deed addressing the concerns of the City Attorney** – The City Attorney has reviewed and approved the master deed as to form and applicable law. However, there is one minor typo that will need to be corrected, which is the reference to unit numbers in section 1.(a)(1). The section references “Units 56-60”, where the site plan lists the range as 56-58. Otherwise the document appears to be in order.
6. **Address the concerns of the City Engineer and Superintendent of Public Works** – All of their concerns have been addressed with the exception of the grading plan, which shows a storm water “emergency overflow”. The City Engineer has requested an explanation as to why this is necessary and additional detail as to how it works and where the overflow will be directed. Approval is recommended that a revised site plan be prepared to the satisfaction of the City Engineer prior to the issuance of building permits.

7. **The plans be revised to address the requirements of Section 8.6.3A of Ordinance No. 135** – all of the items listed have been addressed with the exception of street trees. Approval is recommended with the condition that a revised site plan be submitted with a general condition that street trees shall be required at 60 foot spacing.
8. **Storm water easements** – The applicant is no longer proposing any changes to public storm water system of the development.

**ANALYSIS:**

It appears that the site and proposed use will comply with the site plan review standards listed in Sections 8.8 of Ordinance 135, provided the previously noted conditions are met.

**RECOMMENDATION:**

**The Planning Commission approve Resolution No. 2014-03.**

**Attachments:**

1. Resolution 2014-03
2. Application (including proof of ownership, revised master deed, and authorization to restrict funds)
3. Revised Site Plan
4. Correspondence from applicant – April 9, 2014
5. Agency Comments
  - a. City Engineer
  - b. City Attorney
  - c. Public Works Director
  - d. Superintendent of Public Works
6. Site Plan

Introduced:  
Seconded:

**CITY OF MASON  
PLANNING COMMISSION RESOLUTION NO. 2014-03**

**A RESOLUTION APPROVING A FINAL SITE PLAN TO AMEND PHASE III OF  
THE LANDINGS AT RAYNER PONDS CONDOMINIUM DEVELOPMENT TO  
CONVERT THE REMAINING UNDEVELOPED LAND TO SINGLE FAMILY  
CONDOMINIUM LOTS**

**May 13, 2014**

**WHEREAS**, a request has been received from Rayner Ponds LLC for final site plan approval to be allowed to convert the remaining undeveloped land in Phase III of the Landings at Rayner Ponds Condominium Development to single family condominium lots; and

**WHEREAS**, the subject property is further described as:

A part of the South 1/2 of Section 4, T2N, R1W, City of Mason, Ingham County, Michigan, described as commencing at the Northeast corner of Lot 110, Rayner Ponds Estates No. 3, as recorded in Liber 50 of Plats, Pages 35, 36 and 37, Ingham County Records, being N00°28'58"E 1648.50 feet and S89°31'02"E 400.13 feet from the South 1/4 corner of said Section 4; thence N65°06'13"E 66.00 feet to the Easterly right of way line of Coppersmith Drive as recorded in Liber 2504 of Deeds, Page 860, Ingham County Records: thence along said right of way line Northwesterly 574.27 feet along the arc of a 508.00 foot radius curve to the left whose central angle is 64°46'13"and whose chord bears N57°16'54"W 544.18 feet; thence N89°40'00"W 204.08 feet to the point of beginning; thence continuing along said right of way line the following three courses, N89°40'00"W 257.46 feet; thence Northwesterly 316.82 feet along the arc of a 267.00 foot radius curve to the right whose central angle is 67°59'12"and whose chord bears N55°40'24"W 298.56 feet; thence Northwesterly 235.44 feet along the arc of a 333.00 foot radius curve to the left whose central angle is 40°30'32"and whose chord bears N41°56'04"W 230.56 feet; thence N30°23'38"E 201.73 feet; thence N00°20'00"E 163.13 feet to the East-West 1/4 line of said Section 4; thence along said East - West 1/4 line S89°40'00"E 560.78 feet; thence S00°28'58"W 675.27 feet to the point of beginning, containing 8.43 acres of land, more or less, and subject to any easements or rights of way of record. And Also A part of the Southwest 1/4 of Section 4, T2N, R1W, City of Mason, Ingham County, Michigan, described as beginning at a point N00°28'58"E 363.13 feet and N00°28'58"E 1.00 feet and N89°31'02"W 25.30 feet and N00°28'58"E 403.64 feet and N89°49'05"W 263.84 feet along the North line of the Griffin's Addition as recorded in Liber 45 of Plats, Pages 316, 317, and 318, Ingham County Records and N00°36'24"E 815.16 feet from the South 1/4 Corner of said Section 4; thence continuing N00°36'24"E 9.64 feet; thence N89°56'49"W 697.88 feet; thence N29°12'50"E 356.51 feet along the West line of Lot 48 of Assessor's Plat No 1, as recorded in Liber 12 of Plats, Page 44, Ingham County Records; thence N63°37'59"W 392.31 feet along the southeasterly extension of the lot line common to Lots 45 and 46 of said Assessor's Plat to the East right of way line of Okemos Road; thence along said right of way line N27°44'29"E 60.40 feet; thence S82°46'40"E 131.69 feet; thence N27°48'40"E 160.00 feet; thence N55°02'20"E 64.11 feet to the South right of way line of Coppersmith Drive, as recorded in Liber 2504 of Deeds, Page 860, Ingham County Records; thence along said right of way line the following three courses, Southeasterly 188.77 feet along arc of a 267.00 foot radius curve to the right whose central angle is 40°30'32" and whose chord bears S41°56'04"E 184.87 feet; thence Southeasterly 395.13 feet along the arc of a 333.00 foot radius curve to the left whose central angle is 67°59'12"and whose chord bears S55°40'24"E 372.36 feet; thence S89°40'00"E 284.59 feet; thence S00°00'00"W 256.49 feet; thence S61°20'45"W 128.51 feet to the point of beginning, containing 7.09 acres of land, more or less, and subject to any easements or rights of way of record. And Also A part of the South 1/2 of Section 4, T2N, R1W, City of Mason, Ingham County, Michigan, described as beginning at a point N00°28'58"E 363.13 feet and N00°28'58"E 1.00 feet and N89°31'02"W 25.30 feet and

N00°28'58"E 403.64 feet and N89°49'05"W 263.84 feet along the North line of the Griffin's Addition as recorded in Liber 45 of Plats, Pages 316, 317, and 318, Ingham County Records and N00°36'24"E 409.70 feet from the South 1/4 corner of said Section 4; thence continuing N00°36'24"E 405.46 feet; thence N61°20'45"E 128.51 feet; thence N00°00'00"E 256.49 feet to the South right of way line of Coppersmith Drive, as recorded in Liber 2504 of Deeds, Page 860, Ingham County Records; thence along said right of way line the following two courses, S89°40'00"E 176.95 feet; thence Southeasterly 499.66 feet along the arc of a 442.00 foot radius curve to the right whose central angle is 64°46'13" and whose chord bears S57°16'54"E 473.48 feet to the Northeast corner of Lot 110, Rayner Ponds Estates No. 3, as recorded in Liber 50 of Plats, Pages 35, 36 and 37, Ingham County Records; thence along the North and West lines of said Rayner Ponds Estates No. 3 the following six courses, S65°06'13"W 135.00 feet; thence S12°16'47"E 134.11 feet; thence S12°57'13"W 134.11 feet; thence S35°00'45"W 100.73 feet; thence S45°32'42"E 135.00 feet; thence S44°27'18"W 66.00 feet; thence S90°00'00"W 80.00 feet; thence S45°00'00"W 55.00 feet; thence S90°00'00"W 185.47 feet; thence N00°00'00"E 115.03 feet; thence S90°00'00"W 256.36 feet to the point of beginning, containing 9.55 acres of land, more or less, and subject to any easements or rights of way of record. And Also A part of the South 1/2 of Section 4, T2N, R1W, City of Mason, Ingham County, Michigan, described as beginning at a point N00°28'58"E 363.13 feet from the South 1/4 corner of said Section 4; thence continuing N00°28'58"E 1.00 feet; thence N89°31'02"W 25.30 feet to a found iron deeded to be 198.00 feet North of the Northeast corner of Lot 16, Block 10, Griffin's Addition to the City of Mason as recorded in Liber 46 of Deeds, Pages 316 -318, Ingham County Records; thence N00°28'42"E 403.64 feet along the East line of Blocks 9 and 10 to the Northeast corner of Lot 8, Block 9, of said Griffin's Addition; thence N89°49'05"W 263.84 feet along the North line of said Griffin's Addition; thence N00°36'24"E 409.70 feet; thence S90°00'00"E 256.36 feet; thence S00°00'00"E 115.03 feet; thence N90°00'00"E 185.47 feet; thence N45°00'00"E 55.00 feet; thence N90°00'00"E 80.00 feet; thence S45°32'42"E 66.00 feet; thence S44°27'18"W 99.46 feet; thence S00°29'00"W 625.36 feet along Rayner Ponds Estates No. 3 as recorded in Liber 50 of plats, pages 35,36, & 37, Ingham County Records, and along Rayner Ponds Estates as recorded in Liber 36 of plats, pages 50 & 51, Ingham County Records; thence N89°14'20"W 251.50 feet to the point of beginning, containing 7.10 acres of land, more or less, and subject to any easements or rights of way of record.

**WHEREAS**, the applicant shall provide a revised master deed with the correct reference to unit numbers, and

**WHEREAS**, the applicant shall provide the basis for the surety provided to cover the installation of sidewalk, street trees and final lift of street asphalt prior to the issuance of building permits, and

**WHEREAS**, approval is granted with the condition that the applicant shall submit a revised site plan with the following changes **prior to final issuing building permits**:

- 1) The revised plans shall be prepared to the satisfaction of the City Engineer as outlined in his email of May 5, 2014, and
- 2) The plan shall show street trees having minimum separation of 60 feet, and
- 3) The plans shall show the correct unit numbers in the "Square Footage Chart" on the Site and Utility Plan sheet and "Proposed Lot Grades" on sheet four, and

**WHEREAS**, approval is based on the plans dated April 3, 2014, and

**WHEREAS**, upon compliance with the conditions listed herein, the plans will comply with the site plan review standards listed in Section 8.8 of Ordinance No. 135; and

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**NOW THEREFORE BE IT RESOLVED**, that the Mason Planning Commission does hereby approve a Final Site Plan amendment to convert the remaining undeveloped land in Phase III of the Landings at Rayner Ponds Condominium Development to single family condominium lots.

Yes ( )

No ( )

**CLERK'S CERTIFICATION:** I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Mason Planning Commission at its special meeting held Tuesday, May 13, 2014, the original of which is part of the Planning Commission minutes.

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Deborah J. Cwierniewicz, City Clerk  
City of Mason  
Ingham County, Michigan



**APPLICATION – SITE PLAN REVIEW/SPECIAL USE PERMIT**

**City of Mason**

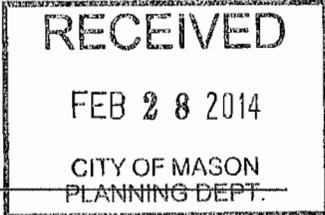
Planning Department • 201 W. Ash Street • Mason, MI 48854

Phone: 517/676-9155 • Fax: 517/676-1330

www.mason.mi.us

<b>Applicant– Please check one of the following:</b>	
<input type="checkbox"/>	Preliminary Site Plan Review
<input checked="" type="checkbox"/>	Final Site Plan Review
<input type="checkbox"/>	Special Use Permit*
* includes Preliminary Site Plan Review	

<b>PLANNING DEPARTMENT USE ONLY</b>	
Application Received:	<u>Feb. 28, 2014</u>
Tax ID:	<u>- Various -</u>
Fee:	<u>\$100.00</u>
Receipt #:	<u>100/52061</u>



**I. APPLICANT INFORMATION**

Name Rayner Ponds, LLC  
 Organization Mayberry Homes  
 Address 1650 Kendale Blvd. Suite 200 East Lansing, MI 48823  
 Telephone Number (517) 371-5000 Facsimile Number (517) 371-5001  
 Interest in Property (owner, tenant, option, etc.) Owner

**Note: If applicant is anyone other than owner, request must be accompanied by a signed letter of authorization from the owner.**

**II. PROPERTY INFORMATION**

Owner \_\_\_\_\_ Telephone Number \_\_\_\_\_  
 Property Address \_\_\_\_\_  
 Legal Description: If in a Subdivision: Subdivision Name Rayner Ponds Lot Number \_\_\_\_\_  
 If Metes and Bounds (can be provided on separate sheet): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

<b>APPLICANT CERTIFICATION</b>	
By execution of this application, the person signing represents that the information provided and the accompanying documentation is, to the best of his/her knowledge, true and accurate. In addition, the person signing represents that he or she is authorized and does hereby grant a right of entry to City officials for the purpose of inspecting the premises and uses thereon to verify compliance with the terms and conditions of any Special Use Permit and/or Site Plan approval issued as a result of this application.	
Signature <u>Will Randle</u>	Date <u>2/28/14</u>

III. **REQUEST DESCRIPTION**

A. **Written Description** – Please use this section to describe the use or uses proposed. Attach additional pages, if necessary.

Convert 24 condominium units to 18 site condominium units.

B. **Available Services**

Public Water  YES  NO  
Public Sanitary Sewer  YES  NO

Paved Road (Asphalt or Concrete)  YES  NO  
Public Storm Sewer  YES  NO

C. **Estimate the Following**

Traffic Generated NA

Total Employees NA Shifts \_\_\_\_\_

Population Increase \_\_\_\_\_

Employees in Peak Shift NA

Hours of Operation 7 AM to 7 PM  
Mon. day through Fri. day

Total Bldg. Area Proposed \_\_\_\_\_

Parking Spaces Provided \_\_\_\_\_

D. **Project Phasing**

This project will be completed in:  One Phase  Multiple Phases – Total No. of Phases: \_\_\_\_\_

**Note: The phases of construction for multi-phase projects must be shown on the site plan**

IV. **APPLICATION MATERIALS**

The following are checklists of items that generally must be submitted with applications for Preliminary Site Plan Review, Final Site Plan Review, and Special Use Permits. Applicants should review Articles VI and VII of Chapter 94 of the Mason Code for a complete listing of application requirements. All site plan drawings must comply with the requirements of Section 94-226(d) of the Zoning Ordinance. Incomplete applications will not be processed.

- Completed application form
- 20 copies of site plan drawings (**30 copies for Special Use Permits**)
- 1 – 11" x 17" copy of the site plan
- Legal description
- Proof of ownership/owner authorization
- Construction schedule for proposed project
- Construction calculations for utilities
- Fee (see below)
- Any other information deemed necessary

**Application Fee** – all requests must be accompanied by a fee, as established by the City Council. The fee schedule for Preliminary Site Plan Reviews, Final Site Plan Reviews, and Special Use Permits is as follows (As of October 16, 2006):

<u>Preliminary Site Plan Reviews</u>	\$200.00
<u>Final Site Plan Review</u>	\$100.00
<u>Special Use Permits</u> (includes preliminary site plan review)	\$275.00
<u>Engineering Review</u>	\$220.00*

\*minimum fee for projects increasing demand on public utilities, fees are billed to applicant upon completion of review

## V. APPLICATION DEADLINES

**Preliminary Site Plan/Special Use Permit Review** – Applications for Preliminary Site Plan Review may be submitted at any time. Complete applications must be received a minimum four (4) weeks prior to a Planning Commission meeting to be placed on the agenda. Upon receipt of a complete application, a public hearing will be scheduled for the next regularly scheduled meeting (for Special Use Permits only). The Planning Commission has the final authority to approve, approve with conditions or deny an application for Preliminary Site Plan/Special Use Permit Review. The Planning Department staff will issue a letter to the applicant advising of any changes or revisions that may be necessary prior to making application for Final Site Plan Review.

**Final Site Plan Review** – Complete applications must be received a minimum of four (4) weeks prior to a Planning Commission meeting to be placed on an agenda. The Planning Commission has the final authority to approve, approve with conditions or deny an application for Final Site Plan Review. Planning Commission meetings are held on the second Tuesday after the first Monday of every month, unless the Tuesday is a Township recognized holiday, in which case the meeting is held on the following day (Wednesday).

## VI. STAFF REPORT

The Planning Department Staff will prepare a report to the Planning Commission regarding an application for Preliminary Site Plan Review, Final Site Plan Review or Special Use Permit. The report will explain the request and review whether it complies with the zoning standards of the Mason Code. Staff will present the findings of that report during the Planning Commission meeting. An applicant who wishes to obtain one (1) copy of that report, at no cost, prior to the meeting must provide a written request to the Planning Department. The report is generally complete on the Friday before the meeting and can be mailed to the applicant or picked up by the applicant in the Planning Department.

**COVENANT DEED**

The Grantor Summit Landings, LLC, a Michigan Limited Liability Company  
whose address is 1600 Abbott Road, East Lansing, MI 48823  
Conveys to Rayner Ponds, LLC  
whose address is 1650 Kendale Blvd, Ste 200, East Lansing, MI 48823

the following described premises situated in the City of Mason, County of Ingham, State of Michigan, described as follows:

UNIT 45, 46, 47, 48, 49, 50, 51, 52, 53, 56, 57, 58, 59, 60, 66, 67, 68, 69, 70, 71, 72, 73, 74, AND 75, THE LANDINGS AT RAYNER PONDS CONDOMINIUM, ACCORDING TO THE MASTER DEED RECORDED IN LIBER 2837, ON PAGE 670, INGHAM COUNTY RECORDS, AND DESIGNATED AS INGHAM COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 145, TOGETHER WITH RIGHTS IN THE GENERAL COMMON ELEMENTS AND LIMITED COMMON ELEMENTS, AS SET FORTH IN THE ABOVE DESCRIBED MASTER DEED AND AMENDMENTS THERETO AND AS DISCLOSED BY ACT 59 OF THE PUBLIC ACTS OF 1978, AS AMENDED.

PARCELNUMBERS: #33-19-10-04-327-045, #33-19-10-04-327-046, #33-19-10-04-327-047, #33-19-10-04-327-048, #33-19-10-04-327-049, #33-19-10-04-327-050, #33-19-10-04-327-051, #33-19-10-04-327-052, #33-19-10-04-327-053, #33-19-10-04-327-056, #33-19-10-04-327-057, #33-19-10-04-327-058, #33-19-10-04-327-059, #33-19-10-04-327-060, #33-19-10-04-327-066, #33-19-10-04-327-067, #33-19-10-04-327-068, #33-19-10-04-327-069, #33-19-10-04-327-070, #33-19-10-04-327-071, #33-19-10-04-327-072, #33-19-10-04-327-073, #33-19-10-04-327-074, #33-19-10-04-327-075

for the full consideration of \$342,000.00

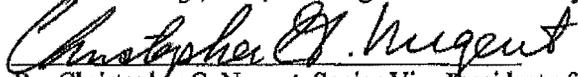
subject to building and use restrictions of record, if any.

Subject to zoning and ordinances and to restrictions and easements of record, if any, existing reservations or leases of oil, gas, or mineral rights, zoning limitations, and apparent and beneficial easements. The Grantor covenants and agrees that the grantor has not previously done or committed or willingly suffered to be done or committed any act, matter, or thing that would cause the premises or any part of them to be charged or encumbered in title, estate, or otherwise.

Dated this 27<sup>th</sup> day December, 2013.

Signed and Sealed:

Summit Landings, LLC, a Michigan Limited Liability Company



By: Christopher G. Nugent, Senior Vice President of Summit Community Bank,  
Its: Solo Member

State of Michigan)

s.s.

County of Ingham)

The foregoing instrument was acknowledged before me this 27<sup>th</sup> Day of December, 2013 by Christopher G. Nugent, Senior Vice President of Summit Community Bank, sole member of Summit Landings, LLC, a Michigan Limited Liability Company





**WOLVERINE BANK**  
*Strength. Solutions. Trusted.*

April 11, 2014

IRREVOCABLE LETTER OF CREDIT  
 Number 2014-1141

**City of Mason**  
**201 W. Ash St.**  
**Mason, MI 48854**

RE: Landings at Rayner Ponds, Pavement Wearing Course Installation and Sidewalk Installation

We irrevocably authorize you to draw on us drafts at sight for any sum or sums not exceeding in the aggregate \$54,405.00 for the account of Mayberry Homes LLC, hereinafter called "Account Party."

Each draft when presented for negotiation must be accompanied by:

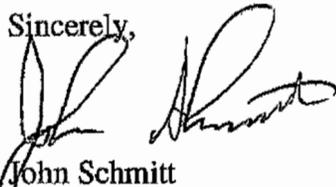
1. A copy of an invoice or statement issued by you to Account Party covering goods or services sold by you to Account Party.
2. Your signed statement that Account Party has failed to pay the invoice or invoices when due, to the extent of the amount of the draft.

Each draft must be presented on or before the expiration date of this letter of credit and must be marked: "Drawn under Wolverine Bank's Irrevocable Letter of Credit Number 2014-1141"

We agree with the drawers, endorsers, and bona fide holders of drafts drawn and negotiated in compliance with the terms of this letter of credit that such drafts shall be honored on presentment and delivery of the above-specified documents on or before the expiration of this letter of credit. The initial term of this letter of credit shall extend to and include April 11, 2015, after which this letter shall automatically expire.

This letter of credit is subject to the Uniform Customs and Practice for Documentary Credits (2007 Version), International Chamber of Commerce Publication No. 600 ("UCP 600")

Sincerely,



**John Schmitt**  
 Manager, Commercial Loan Underwriting



**MIDLAND**  
 Midland, MI 48640  
 5710 Eastman Ave | 989.631.4280  
 Fax: 989.631.7610  
 1016 Saginaw Rd | 989.631.7397  
 Fax: 989.631.7868  
 110 Ashman St | 989.633.2777  
 Fax: 989.631.0881

**BAY CITY**  
 Bay City, MI 48706  
 1416 State St., Suite 1 | 989.671.9157  
 Fax: 989.683.3258

**FRANKENMUTH**  
 Frankenmuth, MI 48734  
 464 N. Main | 989.682.2616  
 Fax: 989.652.9091

**SAGINAW**  
 Saginaw, MI 48604  
 3200 Tittabawassee Rd., Suite 2 | 989.399.3037  
 Fax: 989.797.4682

5580 State St., Suite 5 | 989.737.4498  
 Fax: 989.799.8950

**WolverineBank.com**

## David Haywood

---

**From:** Will Randle [Will@mayberryhomes.com]  
**Sent:** Wednesday, April 09, 2014 8:53 AM  
**To:** David Haywood  
**Cc:** jkyes@kebs.com  
**Subject:** RE: Landings at Rayner Ponds  
**Attachments:** Rayner Ponds- letter to homeowners.docx; Rayner Ponds Product Examples.pdf

Good Morning David,

I want to address the items in your letter dated 8/8/14. I am hopeful that we can stay on the agenda for 4/15 with the understanding that no building permits will be issued until we supply the necessary information you have requested.

1. We anticipate an annual absorption rate of 5-6 per year which would accomplish a build out in 3 years. Of course, this is a projection subject to market conditions.
2. I will have a draft letter of credit from Wolverine bank today, which I will send for your review.
3. This information will come directly from Jeff Kyes at KEBS this morning. *- Storm drain disp.*
4. This information will come directly from Jeff Kyes at KEBS this morning. *- emergency over-flow detail.*
5. I have attached the elevation of proposed plans- this presentation has been provided to all members of the Condominium.
6. The proposed amendment has been sent to all members of the condominium with a meeting for the purpose of voting on the amendment, scheduled for Monday, April 14, at 7:00 pm.

Please confirm receipt of this requested information and let me know if there is any way we can strive for approval on 4/15, with the understanding that no building permit will be issued until all of the outstanding requirements have been met.

Thanks,  
Will

---

**From:** David Haywood [mailto:davidh@mason.mi.us]  
**Sent:** Tuesday, April 08, 2014 5:05 PM  
**To:** Will Randle  
**Subject:** Landings at Rayner Ponds

Hi Will, attached is the letter we spoke of this afternoon. Let me know if you have questions or concerns.

David E. Haywood  
Zoning & Development Director  
City of Mason  
201 W. Ash Street  
Mason, MI 48854  
517.676.9155

## David Haywood

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**From:** Edward Dudgeon [spartan1@spartansvcs.net]  
**Sent:** Friday, May 09, 2014 11:55 AM  
**To:** David Haywood  
**Cc:** 'Will Randle'  
**Subject:** "Mayberry" amendment approved by The Landings at Reyner Ponds Condominium

Hello Mr. Haywood.

At our Annual Membership Meeting held Wednesday, May 7<sup>th</sup>, 2014, the Fifth Amendment to our Master Deed providing for the conversion of the remaining un-built units in Phase 3 to site condominiums was formally approved by our membership. We anticipate the amendment will be filed with the Register of Deeds very soon.

We would like to say "Thank You" to your office and the Planning Commission for recognizing and upholding the rights and responsibilities of our Association's Master Deed.

Please advise if you have any questions.

Edward Dudgeon  
Association Manger  
The Landings At Rayner Ponds Condominium  
Spartan Services  
(517) 882-1826, ext. 126  
[Spartan1@spartansvcs.net](mailto:Spartan1@spartansvcs.net)

**FIFTH AMENDMENT TO MASTER DEED  
THE LANDINGS AT RAYNER PONDS**

(Act 59, Public Acts of 1978)  
as amended

Fifth Amendment to Ingham County Condominium Subdivision Plan No. 145 and the Master Deed of The Landings at Rayner Ponds.

No interest in real estate being conveyed hereby, no revenue stamps are required.

This Document  
Drafted By and Return To:

Nyal D. Deems  
Varnum LLP  
Bridgewater Place - P.O. Box 352  
Grand Rapids, MI 49501-0352

**FIFTH AMENDMENT TO MASTER DEED**  
**THE LANDINGS AT RAYNER PONDS**  
(Act 59, Public Acts of 1978, as amended)

**Rayner Ponds, LLC**, a Michigan limited liability company, of Suite 200, 1650 Kendale Blvd., East Lansing, Michigan 48823, as Successor Developer (the "**Successor Developer**") and **The Landings at Rayner Ponds Condominium Association**, a Michigan nonprofit corporation of 1048 Pierpont, Suite 2, Lansing, Michigan 48911 (the "**Association**") as the Unit owners association of The Landings at Rayner Ponds (the "**Project**"), a condominium project established by Master Deed dated January 18, 2000, and recorded on January 19, 2000 in Liber 2837, Page 670, et. seq., Ingham County Records, as amended by a First Amendment to Master Deed recorded on December 19, 2001 in Liber 2932, Page 752, et. seq., by a Second Amendment to Master Deed recorded on September 16, 2003 in Liber 3064, Page 176, et. seq., by a Third Amendment to Master Deed recorded on January 6, 2006 in Liber 3200 Page 139, et. seq., and by a Fourth Amendment to the Master Deed recorded on July 1, 2008, in Book 3312, Page 56, et. seq., Ingham County Records (collectively, the "**Master Deed**"), amend the Master Deed by right of the authority reserved to the Developer in Article VIII of the Master Deed for the purpose of changing 22 attached Units to become 16 detached Units in the Project. The defined terms in this Amendment not otherwise defined in this Amendment shall have the meanings set forth in the Master Deed, as amended. The Master Deed and its exhibits are amended as provided below.

1. **Amendments to the Master Deed**. The Master Deed is amended as set forth below.

(a) **Article V**. Article V is amended to provide:

(1) Article V, Unit Description and Percentage of Value, of the Master Deed is amended to reflect that Units 49-53, Units 56-60 and Units 66-75 in Phase III of the Project, are hereby revised so that they are now 16 detached Units with no common walls, roofs, or foundations in place of the previously existing 22 Units attached as duplexes, which revised detached Units are shown on the Condominium Subdivision sheets attached to this Amendment as Exhibit B (these 16 detached units and any subsequently created detached units are hereafter referred to individually as a "**Detached Unit**" and together as the "**Detached Units**"). The remaining Units in the Condominium shall continue as attached units combined in duplexes, triplexes and fourplexes (each an "**Attached Unit**" and together the "**Attached Units**"). Each Detached Unit shown on the Subdivision Plan shall be the area within which a residence, garage and any other improvements for the residential use can be built. Any additional improvements within the Unit in addition to the residence and garage, such as driveways, sidewalks and any yard or other landscaping, shall be Limited Common Elements appurtenant to the Detached Unit.

(2) **Percentage of Value**. The Percentages of Value for the 16 Detached Units established by this Fifth Amendment shall each be 1.15850678. The Percentages

of Value for the Attached Units shall remain unchanged for a total value for all Units of 100% for the Project.

(b) **Article IV.** Article IV is amended to provide:

(1) **Redefinition of Common Elements.** The driveways, sidewalks and landscaped areas within the Detached Units are Limited Common Elements appurtenant to that Unit and are revised as shown on the Subdivision Plan attached to this Amendment.

(2) **Additional Revisions.** The Developer may (i) create easements burdening or benefitting the Detached Units; and (ii) create or change restrictions or other terms and provisions affecting the Detached Units, as may be reasonably necessary in the Developer's judgment, so long as the revisions do not conflict with the Association's then existing Condominium Bylaws or Association Board of Directors' written policies.

(3) **Section B. Limited Common Elements.** The Limited Common Elements for all Detached Units shall be subject to the exclusive use and enjoyment of the Owner of the Unit to which the Limited Common Element is appurtenant. To the extent Limited Common Elements are appurtenant to more than one Detached Unit, the Limited Common Elements shall be subject to the exclusive use and enjoyment of the Owners of each of those Units to which the Limited Common Elements are appurtenant. The Limited Common Elements of Detached Units are:

(a) **Porches.** Each porch in a Detached Unit is restricted in use for the Owner of and appurtenant to the Unit which opens into a porch as shown on Exhibit B.

(b) **Patios and Balconies.** Each individual patio and balcony in a Detached Unit is restricted in use to the Owner of and appurtenant to the Unit which opens into a patio or balcony as shown on Exhibit B.

(c) **Air Conditioner Compressors.** Each individual air conditioner compressor and its pad are restricted in use to the Owner of and appurtenant to the Unit which the air conditioner compressor serves.

(d) **Driveways.** Each driveway serving a Unit shall be limited in use and appurtenant to the Unit for which it is constructed, and any common driveway of multiple Detached Units shall be limited in use to and appurtenant to the multiple Units it serves.

(e) **Garage Spaces and Driveways.** Each garage is appurtenant to the Unit in which it is constructed.

(f) **Garage Doors and Garage Door Openers.** Each garage door and its hardware, including garage door openers, shall be limited in

use to the Owner of and appurtenant to the Unit in which they are constructed.

(g) **Sidewalks.** Each sidewalk shall be limited in use to the owner of and appurtenant to the Unit in which it is constructed.

(h) **Exterior Hardware.** All exterior hardware and fixtures on a Detached Unit are appurtenant to the Unit in which they are installed.

(i) **Exterior Doors and Windows.** Exterior doors, windows and door and window screens shall be limited in use to the Owners of and appurtenant to the Unit in which they are installed.

(j) **Electric and Gas Meters.** The electric and gas meters that service individual Units shall be limited in use to and appurtenant to the Unit serviced by the meter.

(k) **Patio and Balcony Screening.** The screening enclosing patios and balconies are Limited Common Elements appurtenant to the Unit in which they are constructed.

(l) **Yards.** The turf sprinklers, grass and other foliage and landscaping within the Unit surrounding the residence constructed on the Unit are Limited Common Elements appurtenant to the Unit in which they are located.

(4) **Section C. Responsibilities.** The respective responsibilities for the maintenance, decoration, repair and replacement of the Limited Common Elements appurtenant to Detached Units are as follows:

(a) **Porches.** The costs and performance of the maintenance, repair and replacement of each porch described in Section B(a) above shall be borne by the Unit Owner.

(b) **Air Conditioner Compressors.** The costs and performance of the maintenance, repair and replacement of each individual air conditioner compressor, its related pad and the ground surface immediately below as described in Section 3(c) above shall be borne by the Owner of the Unit which the air conditioner compressor services.

(c) **Doors and Windows.** The cost and performance of the repair, replacement and maintenance of all exterior windows and doors referred to in Article IV, Section B(i) above shall be borne by the Unit owner.

(d) **Sidewalks.** The Association shall be responsible for the

cost and performance of the maintenance, repair, replacement and snow removal with respect to all sidewalks. The snow removal shall be performed to the standards approved by the Association Board of Directors. Any additional snow or ice removal desired by a Unit owner shall be performed by the Unit owner.

(e) **Driveways.** The Association shall be responsible for the cost and performance of the maintenance, repair, replacement and snow removal of the driveways that service each individual Unit. The snow removal shall be performed to the standards approved by the Association Board of Directors. Any additional snow or ice removal desired by a Unit owner shall be performed by the Unit owner.

(f) **Patios and Balconies.** The costs and performance of the maintenance, repair and replacement of each patio and balcony described in Section B(b) and B(k) above, and the screening surrounding them, shall be borne by the Unit Owner.

(g) **Foundation, Frame and Exterior Surfaces.** The costs and performance of the maintenance, repair and replacement of the foundation, frame and exterior surface of each Detached Unit, including all exterior walls, roofs, attachments, fixtures, hardware and other improvements shall be borne by the Unit Owner.

(h) **Utility Costs.** All costs of electricity and natural gas flowing through the meters described in Section B(j) above, and the meters themselves, shall be borne by the Owner of the Unit serviced by the meters.

(i) **Garage Doors and Garage Door Openers.** The costs and performance of the repair, replacement and maintenance of the garage doors and garage door openers shall be borne by the Owner of the Unit to which they service.

(j) **Site Lighting.** The cost of electricity for the exterior lighting fixtures attached to a Unit or garage shall be metered by the individual electric meter of the Owner to whose Unit or garage the lighting is attached and shall be paid by such individual Owner without reimbursement from the Association.

(k) **Yards.** The Association shall be responsible for the costs and performance of the maintenance of the turf sprinklers, grass and other foliage and landscaping within the Unit surrounding the residence constructed on the Unit, in accordance with the Association Board of Directors' policies, so that the maintenance of all yards surrounding or in Attached and Detached Units are treated similarly.

(l) **Detached Unit Maintenance Standards.** Article IV,

Section C5 requiring maintenance of Units by Owners as required by the standards set by the Association Board of Directors shall apply to all Detached Units.

- (5) **Section G.** A new Section G is added to Article IV as follows:

**G. Limitation on Sharing of Expenses of Common Elements.** The Detached Units shall not be assessed or share in the costs or expenses of the Association for decorating, painting, maintenance, repair, replacement or insurance, administrative costs or other costs for any Attached Unit or limited common elements attached to or within the structures of the Attached Units in the Condominium, including the exterior walls, doors, windows, roofs, porches, garages, garage doors and any other structures or attachments to those Units, except as provided for in this Amendment for sidewalks, driveways and yards. The Detached Units shall share proportionately as established by their percentage of value in all other costs and expenses of the General Common Elements for use by Units in the Association. All Units shall share proportionately by percentage of value in the costs and expenses of the driveways, sidewalks and yards and other foliage and landscaping of the Detached Units as provided above in Article IV, Section C(d), (e) and (k).

2. **Amendments to the Condominium Bylaws.**

- (a) **Article II.** Article II, Assessments, is amended by the following:

The costs incurred by the Association in satisfaction of any obligation, responsibility or liability arising within, caused by or connected with any Limited or General Common Elements within the boundaries of the structures of the Attached Units or the administration or insurance of the Limited or General Common Elements within them or part of the structures of the Attached Units shall be separately calculated and assessed only against the Attached Units proportionately.

- (b) **Article IV.** Article IV, Insurance, is amended to add the following:

Detached Unit owners shall insure their residences and attached improvements for the full replacement value of the structures and annually provide a certificate of insurance to the Association showing the coverage. The Attached Units shall not be assessed any of the costs or expenses of the insurance for or maintenance, repair or replacement of any Detached Unit except insurance for those Association responsibilities for Limited Common Elements appurtenant to Detached Units as provided for in this Amendment.

- (c) **Article IX.** Article IX, Reserve Fund is amended to provide the following additional requirements for reserve fund established by the Association:

(1) The Board of Directors of the Association shall allocate the calculation for the reserve fund to account for the different assessments of the Attached Units and Detached Units for the different General and Limited Common Elements as provided for in this Amendment.

(2) The Attached and Detached Units shall share proportionately on a percentage of value basis in the reserves established for streets, driveways, sidewalks, landscaping and the landscape sprinkling system in the Condominium to cover the costs and expenses for maintenance, repair and replacement of all of those General Common Elements throughout the Condominium.

3. **Revisions to the Condominium Subdivision Plan.** The Condominium Subdivision Plan attached as Exhibit B to the Master Deed of The Landings at Rayner Ponds, as previously amended, is further amended by substituting sheets 1-3, 4b and 4c of the Subdivision Plan, as amended, with revised sheets 1-3, 4b and 4c of Replat No. 5 to the Condominium Subdivision Plan attached as Exhibit B to this Amendment. Upon recordation of the new sheets 1-3, 4b and 4c of Exhibit B to this Amendment they shall replace and supercede the previously recorded sheets 1-3, 4b and 4c of the Condominium Subdivision Plan.

4. **Ratification.** In all other respects, the provisions of the Master Deed of The Landings at Rayner Ponds dated January 18, 2000 and recorded in the office of the Register of Deeds for Ingham County, Michigan as Ingham County Condominium Subdivision Plan No. 145 as amended by the First Amendment to Master Deed The Landings at Rayner Ponds dated December 18, 2001, by the Second Amendment to Master Deed The Landings at Rayner Ponds dated August 26, 2003, by the Third Amendment to Master Deed The Landings at Rayner Ponds, dated January 2, 2006, and by the Fourth Amendment to Master Deed The Landings at Rayner Ponds dated July 1, 2008 are ratified and confirmed.

5. **Inconsistencies.** The provisions of this Fifth Amendment shall supersede all other provisions of the Master Deed, Condominium Bylaws, and other condominium documents for the Condominium Project that may be contrary to it, and the Fifth Amendment shall govern in the event of any inconsistency.

6. **Effective Date.** The Successor Developer and Association have dated this Fifth Amendment to Master Deed as of \_\_\_\_\_, 2014 and it shall be effective upon its recordation at the office of the Ingham County Register of Deeds.

**Rayner Ponds, LLC**, a Michigan limited liability company

By: \_\_\_\_\_  
Robert K. Schroeder  
Its: Manager

State Of Michigan            )  
  )  
County Of Clinton            )

This document was acknowledged before me on \_\_\_\_\_, 2014, by Robert K. Schroeder, the manager of Rayner Ponds, LLC, a Michigan limited liability company, on behalf of the company.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, State of Michigan  
My commission expires: \_\_\_\_\_

The Landings at Rayner Ponds Condominium Association, a Michigan non-profit corporation, hereby consents to the recordation of this Fifth Amendment to Master Deed.

**The Landings at Rayner Ponds Condominium Association**, a Michigan non-profit corporation

By: \_\_\_\_\_  
Its: \_\_\_\_\_

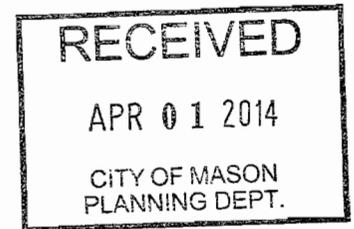
State Of Michigan )  
 )  
County Of \_\_\_\_\_)

This document was acknowledged before me on \_\_\_\_\_, 2014, by \_\_\_\_\_, the President of The Landings at Rayner Ponds Condominium Association, a Michigan non-profit corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, State of Michigan  
My commission expires: \_\_\_\_\_

6929304\_6.DOC

REPLAT NO. 5  
INGHAM COUNTY CONDOMINIUM  
SUBDIVISION PLAN NO. 145  
EXHIBIT "B" TO THE MASTER DEED OF  
THE LANDINGS AT RAYNER  
PONDS CONDOMINIUMS



Surveyor

KEBS, Inc.  
2116 Haslett Road  
Haslett, MI 48840  
(517) 339-1014

Developer

Rescue LLC  
3075 E. Grand River Avenue  
Howell, MI 48843  
(517) 545-1200

SHEET INDEX

- \* 1. Cover Sheet
- \* 2. Property Description
- \* 3. Survey and Utility Plan
  - 4. Site Plan Aviemore Drive (Phase I)
  - 4a. Site Plan Aviemore Drive (Phase II)
- \* 4b. Site Plan Harrogate Drive (Phase II)
- \* 4c. Site Plan Harrogate Drive and Wildemere Drive (Phase III)
- 4d. Site Plan Coppersmith Drive and Llangollen Drive (Phase IV)
- 5. Unit Plan A
- 6. Unit Plan B
- 7. Unit Plan C
- 8. Sections — Unit Types A, B, C
- 9. Perimeter Plans Bldgs. 4,6,8,9,16-18,33-41
- 10. Perimeter Plans Bldgs. 1-3,5,7,10-15,19-32,38,42-51

NOTE: THE ASTERISK (\*) SHOWN IN THE SHEET INDEX  
INDICATES AMENDED OR NEW SHEETS DATED 2/3/14.

PREPARED BY:  
KEBS, INC.  
2116 HASLETT ROAD  
HASLETT, MICHIGAN 48840  
87292.CND

Proposed Date: March 5, 2014  
COVER SHEET SHEET 1 OF 10

# THE LANDINGS AT RAYNER PONDS CONDOMINIUMS

## PROPERTY DESCRIPTION (PHASE I):

A part of the South 1/2 of Section 4, T2N, R1W, City of Mason, Inghom County, Michigan, described as commencing at the Northeast corner of Lot 110, Royner Ponds Estates No. 3, as recorded in Liber 50 of Plats, Pages 35, 36 and 37, Inghom County Records, being N00°28'58"E 1648.50 feet and S89°31'02"E 400.13 feet from the South 1/4 corner of said Section 4; thence N65°06'13"E 66.00 feet to the Easterly right of way line of Coppersmith Drive as recorded in Liber 2504 of Deeds, Page 860, Inghom County Records; thence along said right of way line Northwesterly 574.27 feet along the arc of a 508.00 foot radius curve to the left whose central angle is 64°46'13" and whose chord bears N57°16'54"W 544.18 feet; thence N89°40'00"W 204.08 feet to the point of beginning; thence continuing along said right of way line the following three courses, N89°40'00"W 257.46 feet; thence Northwesterly 316.82 feet along the arc of a 267.00 foot radius curve to the right whose central angle is 67°59'12" and whose chord bears N55°40'24"W 298.56 feet; thence Northwesterly 235.44 feet along the arc of a 333.00 foot radius curve to the left whose central angle is 40°30'32" and whose chord bears N41°56'04"W 230.56 feet; thence N30°23'38"E 201.73 feet; thence N00°20'00"E 163.13 feet to the East-West 1/4 line of said Section 4; thence along said East -West 1/4 line S89°40'00"E 560.78 feet; thence S00°28'58"W 675.27 feet to the point of beginning, containing 8.43 acres of land, more or less, and subject to any easements or rights of way of record.

## PROPERTY DESCRIPTION (PHASE II):

A part of the Southwest 1/4 of Section 4, T2N, R1W, City of Mason, Inghom County, Michigan, described as beginning at a point N00°28'58"E 363.13 feet and N00°28'58"E 1.00 feet and N89°31'02"W 25.30 feet and N00°28'58"E 403.64 feet and N89°49'05"W 263.84 feet along the North line of the Griffin's Addition as recorded in Liber 45 of Plots, Pages 316, 317, and 318, Inghom County Records and N00°36'24"E 815.16 feet from the South 1/4 Corner of said Section 4; thence continuing N00°36'24"E 9.64 feet; thence N89°56'49"W 697.88 feet; thence N29°12'50"E 356.51 feet along the West line of Lot 48 of Assessor's Plat No. 1, as recorded in Liber 12 of Plots, Page 44, Inghom County Records; thence N63°37'59"W 392.31 feet along the southeasterly extension of the lot line common to Lots 45 and 46 of said Assessor's Plat to the East right of way line of Okemos Road; thence along said right of way line N27°44'29"E 60.40 feet; thence S62°46'40"E 131.69 feet; thence N27°48'40"E 160.00 feet; thence N55°02'20"E 64.11 feet to the South right of way line of Coppersmith Drive, as recorded in Liber 2504 of Deeds, Page 860, Inghom County Records; thence along said right of way line the following three courses, Southeasterly 188.77 feet along the arc of a 267.00 foot radius curve to the right whose central angle is 40°30'32" and whose chord bears S41°56'04"E 184.87 feet; thence Southeasterly 395.13 feet along the arc of a 333.00 foot radius curve to the left whose central angle is 67°59'12" and whose chord bears S55°40'24"E 372.36 feet; thence S89°40'00"E 284.59 feet; thence S00°00'00"W 256.49 feet; thence S61°20'45"W 128.51 feet to the point of beginning, containing 7.09 acres of land, more or less, and subject to any easements or rights of way of record.

## PROPERTY DESCRIPTION (PHASE III):

A part of the South 1/2 of Section 4, T2N, R1W, City of Mason, Inghom County, Michigan, described as beginning at a point N00°28'58"E 363.13 feet and N00°28'58"E 1.00 feet and N89°31'02"W 25.30 feet and N00°28'58"E 403.64 feet and N89°49'05"W 263.84 feet along the North line of the Griffin's Addition as recorded in Liber 45 of Plots, Pages 316, 317, and 318, Inghom County Records and N00°36'24"E 409.70 feet from the South 1/4 corner of said Section 4; thence continuing N00°36'24"E 405.46 feet; thence N61°20'45"E 128.51 feet; thence N00°00'00"E 256.49 feet to the South right of way line of Coppersmith Drive, as recorded in Liber 2504 of Deeds, Page 860, Inghom County Records; thence along said right of way line the following two courses, S89°40'00"E 176.95 feet; thence Southeasterly 499.66 feet along the arc of a 442.00 foot radius curve to the right whose central angle is 64°46'13" and whose chord bears S57°16'54"E 473.48 feet to the Northeast corner of Lot 110, Rayner Ponds Estates No. 3, as recorded in Liber 50 of Plots, Pages 35, 36 and 37, Inghom County Records; thence along the North and West lines of said Royner Ponds Estates No. 3 the following six courses, S65°06'13"W 135.00 feet; thence S12°16'47"E 134.11 feet; thence S12°57'13"W 134.11 feet; thence S35°00'45"W 100.73 feet; thence S45°32'42"E 135.00 feet; thence S44°27'18"W 66.00 feet; thence S90°00'00"W 80.00 feet; thence S45°00'00"W 55.00 feet; thence S90°00'00"W 185.47 feet; thence N00°00'00"E 115.03 feet; thence S90°00'00"W 256.36 feet to the point of beginning, containing 9.55 acres of land, more or less, and subject to any easements or rights of way of record.

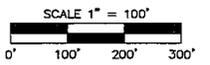
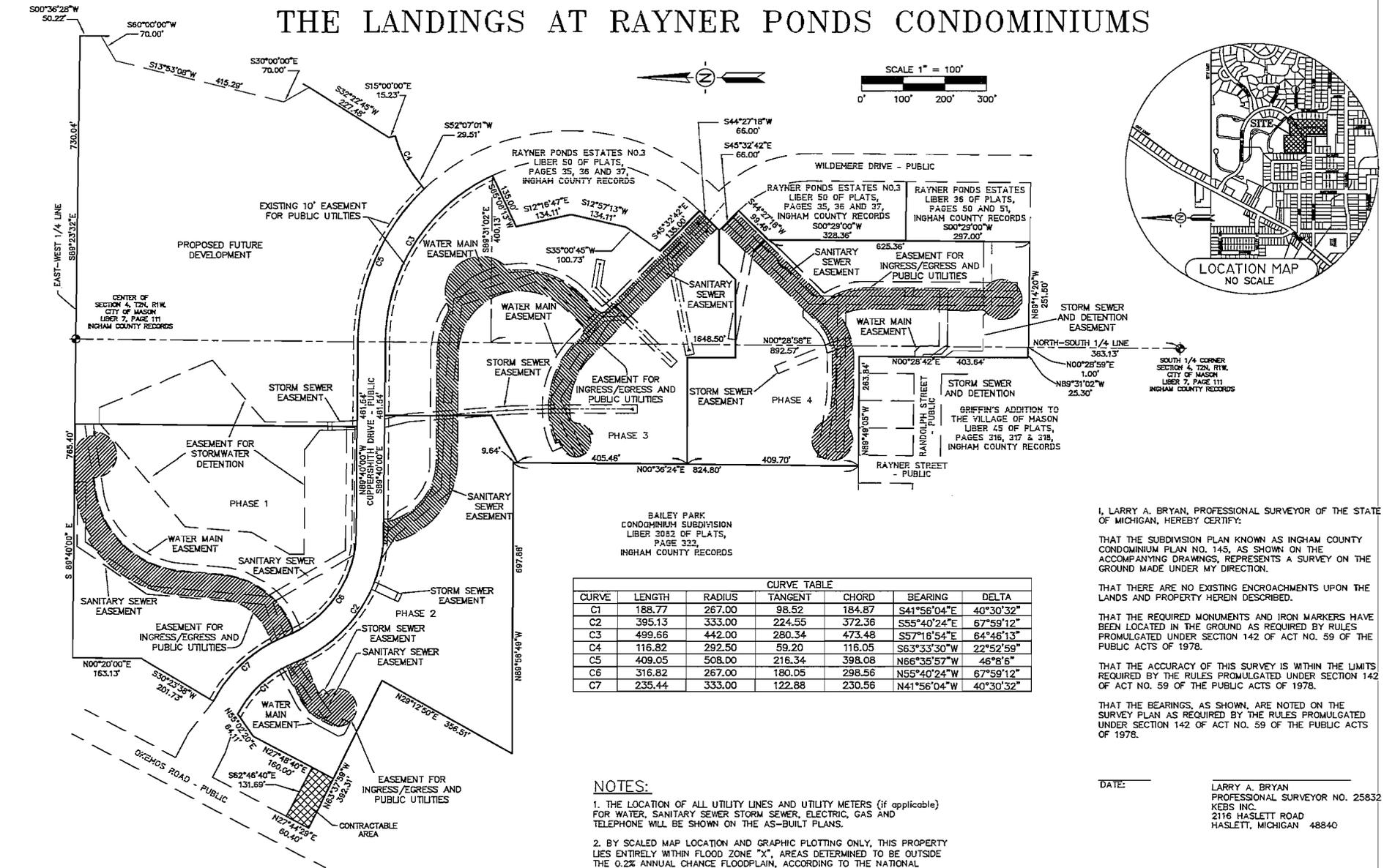
## PROPERTY DESCRIPTION (PHASE IV):

A part of the South 1/2 of Section 4, T2N, R1W, City of Mason, Inghom County, Michigan, described as beginning at a point N00°28'58"E 363.13 feet from the South 1/4 corner of said Section 4; thence continuing N00°28'58"E 1.00 feet; thence N89°31'02"W 25.30 feet to a found iron deeded to be 198.00 feet North of the Northeast corner of Lot 16, Block 10, Griffin's Addition to the City of Mason as recorded in Liber 46 of Deeds, Pages 316 - 318, Inghom County Records; thence N00°28'42"E 403.64 feet along the East line of Blocks 9 and 10 to the Northeast corner of Lot 8, Block 9, of said Griffin's Addition; thence N89°49'05"W 263.84 feet along the North line of said Griffin's Addition; thence N00°36'24"E 409.70 feet; thence S90°00'00"E 256.36 feet; thence S00°00'00"E 115.03 feet; thence N90°00'00"E 185.47 feet; thence N45°00'00"E 55.00 feet; thence N90°00'00"E 80.00 feet; thence S45°32'42"E 66.00 feet; thence S44°27'18"W 99.46 feet; thence S00°29'00"W 625.36 feet along Royner Ponds Estates No. 3 as recorded in Liber 50 of plats, pages 35, 36, & 37, Inghom County Records, and along Royner Ponds Estates as recorded in Liber 36 of plats, pages 50 & 51, Inghom County Records; thence N89°14'20"W 251.50 feet to the point of beginning, containing 7.10 acres of land, more or less, and subject to any easements or rights of way of record.

PREPARED BY:  
KEBS, INC.  
2116 HASLETT ROAD  
HASLETT, MICHIGAN 48840  
87292.CND

Prapased Date: March 5, 2014  
LEGAL DESCRIPTION SHEET 2 OF 10

# THE LANDINGS AT RAYNER PONDS CONDOMINIUMS



BAILEY PARK CONDOMINIUM SUBDIVISION  
LIBER 3082 OF PLATS,  
PAGE 322,  
INGHAM COUNTY RECORDS

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
C1	188.77	267.00	98.62	184.87	S41°56'04\"E	40°30'32\"
C2	395.13	333.00	224.55	372.36	S55°40'24\"E	67°59'12\"
C3	499.66	442.00	280.34	473.48	S57°16'54\"E	64°46'13\"
C4	116.82	292.50	59.20	116.05	S63°33'30\"W	22°52'59\"
C5	409.05	508.00	216.34	398.08	N66°35'57\"W	46°8'6\"
C6	316.82	267.00	180.05	298.56	N55°40'24\"W	67°59'12\"
C7	235.44	333.00	122.88	230.56	N41°56'04\"W	40°30'32\"

**NOTES:**

1. THE LOCATION OF ALL UTILITY LINES AND UTILITY METERS (if applicable) FOR WATER, SANITARY SEWER, STORM SEWER, ELECTRIC, GAS AND TELEPHONE WILL BE SHOWN ON THE AS-BUILT PLANS.
2. BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES ENTIRELY WITHIN FLOOD ZONE 'X', AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP FOR THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN, COMMUNITY PLAN NO. 260093 0154 D, DATED AUGUST 16, 2011.

I, LARRY A. BRYAN, PROFESSIONAL SURVEYOR OF THE STATE OF MICHIGAN, HEREBY CERTIFY:

THAT THE SUBDIVISION PLAN KNOWN AS INGHAM COUNTY CONDOMINIUM PLAN NO. 145, AS SHOWN ON THE ACCOMPANYING DRAWINGS, REPRESENTS A SURVEY ON THE GROUND MADE UNDER MY DIRECTION.

THAT THERE ARE NO EXISTING ENCROACHMENTS UPON THE LANDS AND PROPERTY HEREIN DESCRIBED.

THAT THE REQUIRED MONUMENTS AND IRON MARKERS HAVE BEEN LOCATED IN THE GROUND AS REQUIRED BY RULES PROMULGATED UNDER SECTION 142 OF ACT NO. 59 OF THE PUBLIC ACTS OF 1978.

THAT THE ACCURACY OF THIS SURVEY IS WITHIN THE LIMITS REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT NO. 59 OF THE PUBLIC ACTS OF 1978.

THAT THE BEARINGS, AS SHOWN, ARE NOTED ON THE SURVEY PLAN AS REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT NO. 59 OF THE PUBLIC ACTS OF 1978.

DATE: \_\_\_\_\_  
LARRY A. BRYAN  
PROFESSIONAL SURVEYOR NO. 25832  
KEES INC.  
2116 HASLETT ROAD  
HASLETT, MICHIGAN 48840

PREPARED BY:  
KEES, INC.  
2116 HASLETT ROAD  
HASLETT, MICHIGAN 48840  
87292.CND

BENCHMARK #1: TOP OF VALVE STEM OF HYDRANT,  
NORTHEAST CORNER OF EATON & WILDEHERE DRIVES.  
ELEVATION = 899.72 M.G.L.V.D.

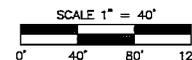
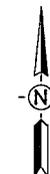
BENCHMARK #2: TOP OF VALVE STEM OF HYDRANT,  
NORTHEAST CORNER OF WILDEHERE & COPPERSMITH.  
ELEVATION = 907.20 M.G.L.V.D.

Proposed Date: March 5, 2014  
SURVEY AND UTILITY PLAN SHEET 3 OF 10

# THE LANDINGS AT RAYNER PONDS CONDOMINIUMS

## PROPERTY COORDINATES

Location	North	East
107	11596.73	8691.04
108	11459.21	8814.59
109	11249.23	9122.09
110A	11247.52	9416.08
110B	11123.02	9415.05
110C	11123.06	9406.68
111	10991.09	9406.68
112	10929.47	9293.91
113	10939.11	9294.01
114	10939.87	8596.13
115	11251.03	8770.13
116	11425.26	8418.64
117	11478.72	8446.75
118	11418.48	8563.96
119	11560.00	8638.51



## LEGEND



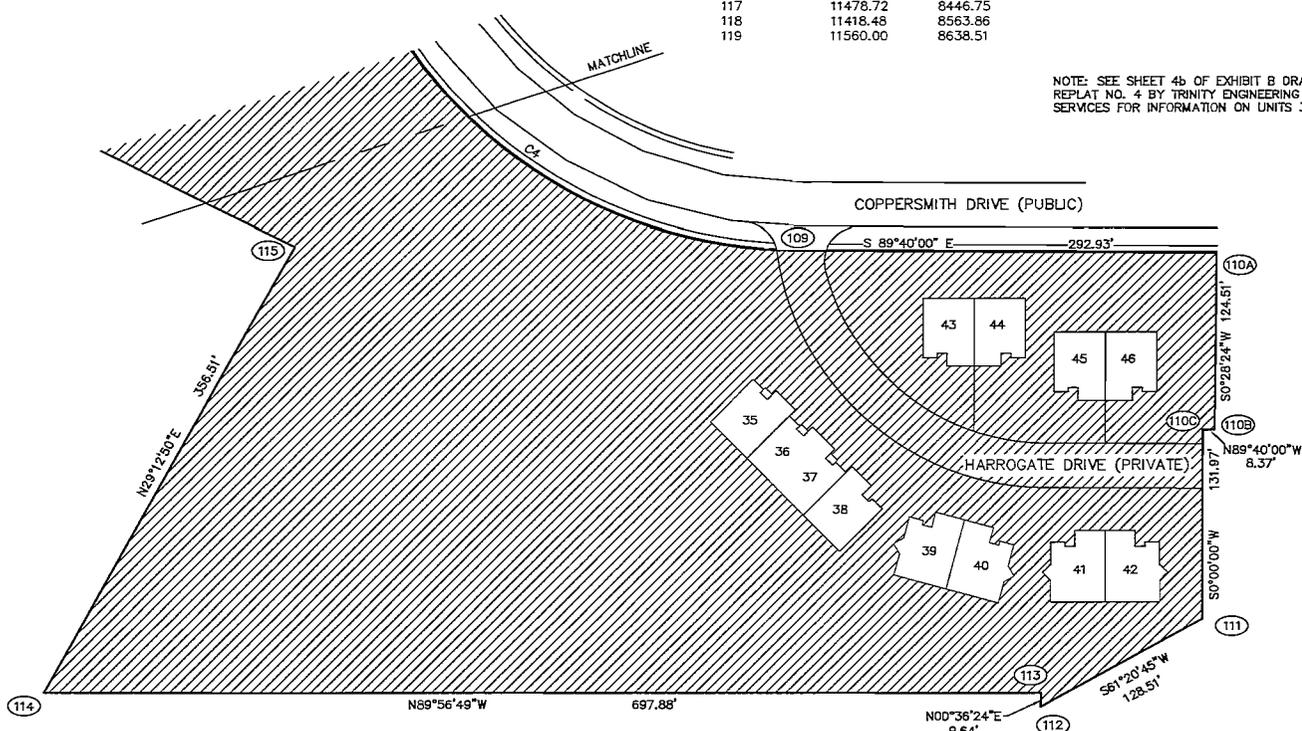
(000) PROPERTY CORNER COORDINATE LOCATION

(A) or (B) BUILDING CORNER COORDINATE LOCATION  
(See the unit coordinate location key)

## NOTES

- REFER TO THE "UNIT COORDINATE LOCATION KEY" AS SHOWN ON THIS SHEET.
- ALL DRIVEWAYS, PORCHES, AIR CONDITIONING PADS, UNIT WALKWAYS, AND DECKS ARE LIMITED COMMON ELEMENTS.
- ALL CONVERTIBLE AREAS, IF CONVERTED, WILL BE LIMITED COMMON ELEMENT RESERVED FOR PLACEMENT OF DECKS OR SCREENED PORCHES OR 3-SEASON ROOMS OR 4-SEASON ROOMS WHICH WILL BE SHOWN ON THE AS-BUILT DRAWINGS AS LIMITED COMMON ELEMENTS.
- ALL ROADS, COMMON WALKWAYS AND LAND WITHIN THE PROPERTY DESCRIPTION FOR THIS PROJECT ARE GENERAL COMMON ELEMENT.

NOTE: SEE SHEET 4b OF EXHIBIT B DRAWINGS FOR REPLAT NO. 4 BY TRINITY ENGINEERING AND SURVEYING SERVICES FOR INFORMATION ON UNITS 35-46.



## CURVE TABLE

CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
C3	188.77	267.00	98.52	184.87	S41°56'04"E	40°30'32"
C4	395.13	333.00	224.55	372.36	S58°40'24"E	67°59'12"

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2116 HASLETT ROAD  
HASLETT, MICHIGAN 48840  
67292.CND

PROPERTY COORDINATES

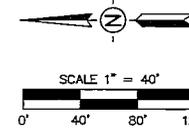
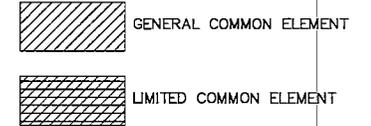
Location	North	East
110A	11247.52	9416.08
110B	11223.02	9415.05
110C	11223.06	9406.68
111	10990.98	9406.68
112	10929.47	9293.91
119	10524.03	9289.62
120	10524.03	9545.97
121	10409.11	9545.97
122	10409.11	9731.44
123	10448.00	9770.33
124	10448.00	9850.33
125	10495.00	9896.55
126	10589.55	9800.19
127	10672.05	9857.99
128	10802.75	9888.05
129	10933.80	9859.52
130	10990.63	9981.96
131	11246.55	9583.63

# THE LANDINGS AT RAYNER PONDS CONDOMINIUMS

SITE CONDO UNIT COORDINATES

Unit	North	East	Unit	North	East
49	11122.65	9477.05	66	10821.53	9545.47
50	11122.29	9539.05	67	10918.51	9705.41
51	11117.17	9601.01	68	11050.25	9632.24
52	11094.83	9662.83	69	11071.18	9557.82
53	11102.34	9712.39	70	11071.62	9482.43
56	11009.27	9787.52	71	11072.06	9406.68
57	10926.62	9756.36	72	10855.75	9421.73
58	10860.12	9746.74	73	10848.50	9482.87

LEGEND



- (000) PROPERTY CORNER COORDINATE LOCATION
- (A) or (B) BUILDING CORNER COORDINATE LOCATION (See the unit coordinate location key)

NOTES

- REFER TO THE "UNIT COORDINATE LOCATION KEY" AS SHOWN ON THIS SHEET.
- ALL DRIVEWAYS, PORCHES, AIR CONDITIONING PADS, UNIT WALKWAYS, AND DECKS ARE LIMITED COMMON ELEMENTS.
- ALL CONVERTIBLE AREAS, IF CONVERTED, WILL BE LIMITED COMMON ELEMENT RESERVED FOR PLACEMENT OF DECKS OR SCREENED PORCHES OR 3-SEASON ROOMS OR 4-SEASON ROOMS WHICH WILL BE SHOWN ON THE AS-BUILT DRAWINGS AS LIMITED COMMON ELEMENTS.
- ALL ROADS, COMMON WALKWAYS AND LAND WITHIN THE PROPERTY DESCRIPTION FOR THIS PROJECT ARE GENERAL COMMON ELEMENT.

NOTE: SEE SHEET 4c OF EXHIBIT B DRAWINGS FOR REPLAT NO. 4 BY TRINITY ENGINEERING AND SURVEYING SERVICES FOR INFORMATION ON UNITS 54, 55, 61-65 & 76-88.

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
C1	499.66'	442.00'	280.34'	473.48'	S57°16'54"E	64°46'13"
C8	5.92'	149.50'	2.96'	5.92'	S88°31'54"E	2°16'12"
C9	99.84'	196.91'	51.02'	98.78'	S75°24'23"E	29°03'07"
C10	17.54'	18.97'	9.45'	16.92'	S86°51'52"E	52°59'21"
C11	43.70'	85.50'	22.34'	43.23'	N82°03'36"E	29°17'08"
C12	100.04'	85.50'	56.63'	94.43'	S12°43'48"W	67°02'20"
C13	17.51'	19.50'	9.39'	16.92'	S20°31'52"W	51°26'13"
C14	80.73'	200.50'	40.92'	80.18'	S06°20'50"W	23°04'09"
C15	179.22'	225.50'	94.65'	174.54'	S68°18'49"E	45°32'14"
C16	23.56'	15.00'	15.00'	21.21'	N89°27'18"E	90°00'00"
C17	349.98'	149.49'	353.38'	275.35'	N22°36'21"W	134°08'24"

PREPARED BY:  
KEES, INC.  
2116 HASLETT ROAD  
HASLETT, MICHIGAN 48840  
87292.CND

**~~FOURTH-FIFTH~~ AMENDMENT TO MASTER DEED OF  
THE LANDINGS AT RAYNER PONDS**

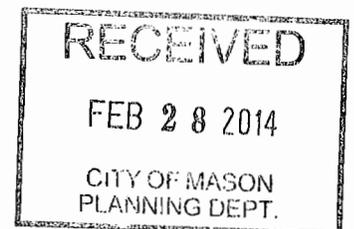
(Act 59, Public Acts of 1978)  
as amended

~~Fourth-Fifth~~ Amendment to Ingham County Condominium Subdivision Plan No. 145 and  
the Master Deed of The Landings at Rayner Ponds.

No interest in real estate being conveyed hereby, no revenue stamps are required.

This Document  
Drafted By and Return To:

Nyal D. Deems  
Varnum LLP  
Bridgewater Place - P.O. Box 352  
Grand Rapids, MI 49501-0352



**FOURTH-FIFTH AMENDMENT TO MASTER DEED OF  
THE LANDINGS AT RAYNER PONDS**  
(Act 59, Public Acts of 1978, as amended)

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**Rayner Ponds, LLC**, a Michigan limited liability company, of Suite 200, 1650 Kendale Blvd., East Lansing, Michigan 48823, as Successor Developer (the "**Successor Developer**") and **The Landings at Rayner Ponds Condominium Association**, a Michigan nonprofit corporation of 1048 Pierpont, Suite 2, Lansing, Michigan 48911 (the "**Association**") as the Unit owners Association of The Landings at Rayner Ponds (the "**Project**"), a condominium project established by Master Deed dated January 18, 2000, and recorded on January 19, 2000 in Liber 2837, Page 670, et. seq., Ingham County Records, as amended by a First Amendment to Master Deed recorded on December 19, 2001 in Liber 2932, Page 752, et. seq., by a Second Amendment to Master Deed recorded on September 16, 2003 in Liber 3064, Page 176, et. seq., and by a Third Amendment to Master Deed recorded on January 6, 2006 in Liber 3200 Page 139, et. seq., and by a Fourth Amendment to the Master Deed recorded on July 1, 2008, in Book 3312, Page 56, et. seq., Ingham County Records (collectively, the "**Master Deed**"), amend the Master Deed by right of the authority reserved to the Developer in Article VIII of the Master Deed for the purpose of changing 24 attached Units to become 18 detached Units in the Project. The defined terms in this Amendment not otherwise defined in this Amendment shall have the meanings set forth in the Master Deed, as amended. The Master Deed and its exhibits are amended as provided below.

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**1. Amendments to the Master Deed.** The Master Deed is amended as set forth below.

**(a) Article V.**

**(1) Article V, Unit Description and Percentage of Value**, of the Master Deed is amended to reflect that Units 45 and 46 in Phase II of the Project and Units 47-53, Units 56-60 and Units 66-75 in Phase III of the Project, are hereby revised so that they are now 18 detached Units with no common walls or common roofs, in place of the previously existing 24 Units attached as duplexes, which revised detached Units are shown on the Condominium Subdivision sheets attached to this Amendment as Exhibit B (these 18 detached units and any subsequently created detached units are hereafter referred to individually as a "**Detached Unit**" and together as the "**Detached Units**"). The remaining Units in the Condominium shall continue as attached units combined in duplexes, triplexes and fourplexes (together the "**Attached Units**"). Each Detached Unit shown on the Subdivision Plan shall be the area within which a residence and any other improvements for the residential use can be built. Any additional improvements within the Unit, in addition to the residence, such as driveways, sidewalks any yard or other landscaping, shall be Limited Common Elements appurtenant to the Detached Unit.

**(2) Percentage of Value.** The Percentages of Value for the 18 Detached Units established by this ~~Fourth~~-Fifth Amendment shall each be 1.12732373. The Percentages of Value for the Attached Units shall remain unchanged for a total value for all Units of 100% for the Project.

(b) **Article IV.**

(1) **Redefinition of Common Elements.** The sidewalks and landscaped areas adjacent to or within the Detached Units and the Limited Common Elements are revised as shown on the Subdivision Plan attached to this Amendment and as provided for in this Amendment.

(2) **Additional Revisions.** The Developer may (i) create easements burdening or benefitting the Detached Units; and (ii) create or change restrictions or other terms and provisions affecting the Detached Units, as may be reasonably necessary in the Developer's judgment.

(3) **Section B. Limited Common Elements.** The Limited Common Elements for all Detached Units shall be subject to the exclusive use and enjoyment of the Owner of the Unit to which the Limited Common Element is appurtenant. To the extent Limited Common Elements are appurtenant to more than one Detached Unit, the Limited Common Elements shall be subject to the exclusive use and enjoyment of the Owners of each of those Units to which the Limited Common Elements is appurtenant. The Limited Common Elements of Detached Units are:

(a) **Porches.** Each porch in a Detached Unit is restricted in use for the Owner of and appurtenant to the Unit which opens into a porch as shown on Exhibit B.

(b) **Patios and Balconies.** Each individual patio and balcony in a Detached Unit is restricted in use to the Owner of, and appurtenant to, the Unit which opens into a patio or balcony as shown on Exhibit B.

(c) **Air Conditioner Compressors.** Each individual air conditioner compressor and its pad are restricted in use to the Owner of and appurtenant to the Unit which the air conditioner compressor serves.

(d) **Driveways.** Each driveway attached to a garage shall be limited in use, and appurtenant to, the Unit it serves and any common driveway within a group of Detached Units shall be limited in use to, and appurtenant to, the multiple Units it serves.

(e) **Garage Spaces and Driveways.** Each garage is appurtenant to the Unit it serves.

(f) **Garage Doors and Garage Door Openers.** Each garage door and its hardware, including garage door openers, shall be limited in use to the Owner of, and appurtenant to, the Unit it serves.

(g) **Sidewalks.** Each sidewalk shall be limited in use to the owner of, and appurtenant to, the Unit it serves.

(h) **Exterior Hardware.** All exterior hardware and fixtures on a Detached Unit are appurtenant to the Unit to which they are attached or serving.

(i) **Doors and Windows.** Doors, windows and door and window screens shall be limited in use to the Owners of, and appurtenant to, the Unit to which they are attached.

(j) **Electric and Gas Meters.** The electric and gas meters that service individual Units shall be limited in use to, and appurtenant to, the Unit serviced by the meter.

(k) **Patio and Balcony Screening.** The screening enclosing patios and balconies are Limited Common Elements appurtenant to the Unit in which they are installed.

(l) **Yards.** The grass and other foliage and landscaping within the Unit surrounding the residence constructed on the Unit.

(4) **Section C. Responsibilities.** The respective responsibilities for the maintenance, decoration, repair and replacement of the Limited Common Elements appurtenant to Detached Units are as follows:

(a) **Porches.** The costs of maintenance, repair and replacement of each porch described in Section 3(a) above shall be borne by the Unit Owner.

(b) **Air Conditioner Compressors.** The costs of maintenance, repair and replacement of each individual air conditioner compressor, its related pad and the ground surface immediately below as described in Section 3(c) above shall be borne by the Owner of the Unit which the air conditioner compressor services.

(c) **Doors and Windows.** The repair, replacement and interior and exterior maintenance of all glass and screen portions of doors and windows referred to in Article IV, Section 3(gi) above and the all such costs shall be borne by the Owner of the Unit to which any of the doors and windows are appurtenant.

(d) **Sidewalks.** The Association shall be responsible for the maintenance, repair, replacement and snow removal with respect to all sidewalks. The snow removal shall be performed to the standards approved by the Association Board of Directors. Any additional snow or ice removal

desired by a Unit owner shall be performed by the Unit owner.

(e) **Driveways.** The Association shall be responsible for the maintenance, repair, ~~and replacement~~ and snow removal of the driveways that service each individual Unit. The snow removal shall be performed to the standards approved by the Association Board of Directors. Any additional snow or ice removal desired by a Unit owner shall be performed by the Unit owner.

(f) **Patios and Balconies.** The costs of maintenance, repair and replacement of each patio and balcony described in Section 3(b) and 3(k) above, and the screening surrounding them, shall be borne by the Unit Owner.

(g) **Foundation, Frame and Exterior Surfaces.** The costs of maintenance, repair and replacement of the foundation, frame and exterior surface of each Detached Unit, including all exterior walls, roofs, attachments, fixtures, hardware and other improvements shall be borne by the Unit Owner.

(h) **Utility Costs.** All costs of electricity and natural gas flowing through the meters described in Section 3(j), and the meters themselves, shall be borne by the Owner of the Unit serviced by the meters.

(i) **Garage Doors and Garage Door Openers.** The costs of repair, replacement and maintenance of the garage doors and garage door openers shall be borne by the Owner of the Unit to which they service.

(j) **Site Lighting.** The cost of electricity for the exterior lighting fixtures attached to a Unit or garage shall be metered by the individual electric meter of the Owner to whose Unit or garage the lighting is attached and shall be paid by such individual Owner without reimbursement from the Association. ~~The cost of electricity for post lights, if any, shall be charged directly to the Association. All post lighting fixtures shall be maintained, repaired and replaced and light bulbs furnished by the Association. The size and nature of the bulbs to be used in the fixtures shall also be determined by the Association in its discretion. No Owner shall modify or change such fixtures in any way and shall not cause the electricity flow for operation of the post lights to be interrupted at any time. The post lights shall operate on photoelectric cells whose settings shall be established by and at the discretion of the Association and shall remain lit at all times determined by the Association.~~

(k) **Yards.** The Association shall be responsible for the maintenance of the grass and other foliage and landscaping within the Unit surrounding the residence constructed on the Unit.

(l) Detached Unit Maintenance Standards. Article IVC5 requiring maintenance of Units by Owners as required by the standards set by the Board of Directors shall apply to all Detached Units.

(km) Limitation on Expenses of Common Elements. The Detached Units shall not be assessed or share in the costs or expenses of the Association for maintenance, repair, replacement or insurance for any ~~general or~~ limited common elements attached to or within the structures of the Attached Units in the Condominium including the exterior walls, doors, windows, roofs, garages and any other structures or attachments to those Units. The Detached Units shall share proportionately by percentage of value in the costs and expenses of ~~any other the~~ General Common Elements for use by all Units in the Association. All Units shall share proportionately by percentage of values in the costs and expenses of the driveways, sidewalks and yards and other foliage and landscaping of the Detached Units surrounding the residence constructed on a Detached Unit.

2. Amendments to the Condominium Bylaws.

- (a) Article I. Article I, Board of Directors, Section 4, is amended as follows:

The Board of Directors shall be comprised of 5 members of which at least 1 member shall be elected from amongst the Unit owners of Detached Units, which member on the Board shall be the Developer until all of the Detached Units are sold, at which time the representative member shall be a Detached Unit owner.

- (b) Article II. Article II, Assessments, is amended by the following:

The costs incurred by the Association in satisfaction of any liability arising within, from, caused by or connected with any Limited or General Common Elements within the structures of the Attached Units or the administration or insurance of the Limited or General Common Elements within or part of the structures of the Attached Units shall be separately calculated and assessed only against the Attached Units proportionately.

- (c) Article IV. Article IV, Insurance, is amended to add the following:

Detached Unit owners shall insure their residences and attached improvements for the full replacement value of the structures and annually provide a certificate of insurance to the Association showing the coverage.

- (c) Article IX. Article IX, Reserve Fund is amended to provide the following additional requirements for Reserve Funds established by the Association:

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(1) The Board of Directors of the Association shall establish two separate reserve funds. One reserve fund shall be for the General Common Elements which are within or part of the structures of the Attached Units, including exterior walls, doors, windows, roofs, garages and any other attachments to those Units, to be contributed to by all Attached Units, proportionately to the extent of each Attached Unit's percentage of value to the total percentages of value of all Attached Units, and a second reserve fund to be contributed to proportionately based on percentage of value, by all Units in the Condominium for all General Common Elements of the Condominium excepting those which constitute the structures of the Attached Units.

(2) The Attached and Detached Units shall share proportionately on a percentage of value basis in the reserves established for streets, sidewalks, landscaping and the landscape sprinkling system in the Condominium to cover the costs and expenses for maintenance, repair and replacement of all of those General Common Elements throughout the Condominium.

(3) Effective as of the date of recording of this Amendment, the Board of Directors shall divide the current funds held as reserves into (i) those reserves held for the maintenance, repair and replacement of roads, sidewalks, driveways, and landscaping, including any landscape sprinkling system, throughout the Condominium and (ii) those amounts held for the maintenance, repair and replacement of the Common Elements within or part of the structures of the Attached Units in the Condominium. All successive amounts assessed to Attached Units for reserves shall identify to which of the two reserves the amounts being collected will be applied. All assessments to the Detached Units shall only be applied to the reserve that does not include the structures of the Attached Units.

3. **Revisions to the Condominium Subdivision Plan.** The Condominium Subdivision Plan attached as Exhibit B to the Master Deed of The Landings at Rayner Ponds, as previously amended, is further amended by substituting sheets \_\_\_ and \_\_\_ of the Subdivision Plan, as amended, with revised sheets \_\_\_ and \_\_\_ of Replat No. 5 to the Condominium Subdivision Plan attached as Exhibit B to this Amendment. Upon recordation of the new sheets \_\_\_ and \_\_\_ of Exhibit B to this Amendment they shall replace and supercede the previously recorded sheets \_\_\_ and \_\_\_ of the Condominium Subdivision Plan.

4. **Ratification.** In all other respects, the provisions of the Master Deed of The Landings at Rayner Ponds dated January 18, 2000 and recorded in the office of the Register of Deeds for Ingham County, Michigan as Ingham County Condominium Subdivision Plan No. 145 as amended by the First Amendment to Master Deed of The Landings at Rayner Ponds dated December 18, 2001, by the Second Amendment to Master Deed of The Landings at Rayner Ponds dated August 26, 2003, ~~and by the Third Amendment to Master Deed of The Landings at Rayner Ponds, dated January 2, 2006,~~ and by the Fourth Amendment to Master Deed The Landings at Rayner Ponds dated July 1, 2008 are ratified and confirmed.

5. **Inconsistencies.** The provisions of this ~~Fourth~~Fifth Amendment shall supersede all other provisions of the Master Deed, Condominium Bylaws, and other condominium documents for the Condominium Project that may be contrary to it, and the ~~Fourth~~Fifth Amendment shall govern in the event of any inconsistency.

6. **Effective Date.** The Successor Developer and Association have dated this ~~Fourth~~Fifth Amendment to Master Deed as of the ~~the~~ \_\_\_\_\_ day of January, 2014 and it shall be effective upon its recordation at the office of the Ingham County ~~Records~~ Register of Deeds.

**Rayner Ponds, LLC**, a Michigan limited liability company

By: \_\_\_\_\_  
Robert K. Schroeder  
Its: Manager

State Of Michigan        )  
  )  
County Of Clinton        )

This document was acknowledged before me the ~~the~~ \_\_\_\_\_ of January on, 2014, by Robert K. Schroeder, the manager of Rayner Ponds, LLC, a Michigan limited liability company, on behalf of the company.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, State of Michigan  
My commission expires: \_\_\_\_\_

The Landings at Rayner Ponds Condominium Association, a Michigan non-profit corporation, hereby consents to the recordation of this ~~Fourth~~Fifth Amendment to Master Deed.

**The Landings at Rayner Ponds Condominium Association**, a Michigan non-profit corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

State Of Michigan )

County Of \_\_\_\_\_ )

This instrument document was acknowledged before me the \_\_\_\_\_ of January on \_\_\_\_\_, 2014, by \_\_\_\_\_, the President of The Landings at Rayner Ponds Condominium Association, a Michigan non-profit corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, State of Michigan  
My commission expires: \_\_\_\_\_

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**m**

**mayberrymhomes**

**Rayner Ponds**

**Product Examples**



## Ranch

Mayberry Homes

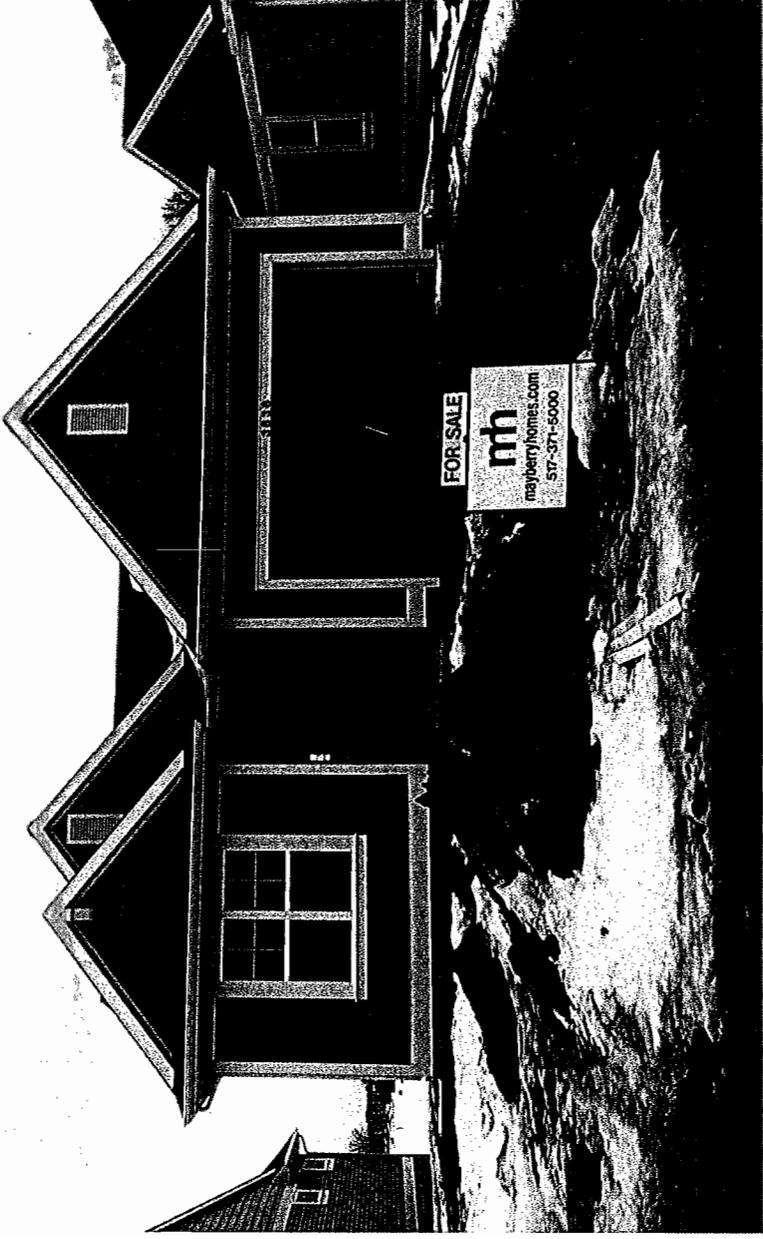


**Two-Story**  
Mayberry Homes



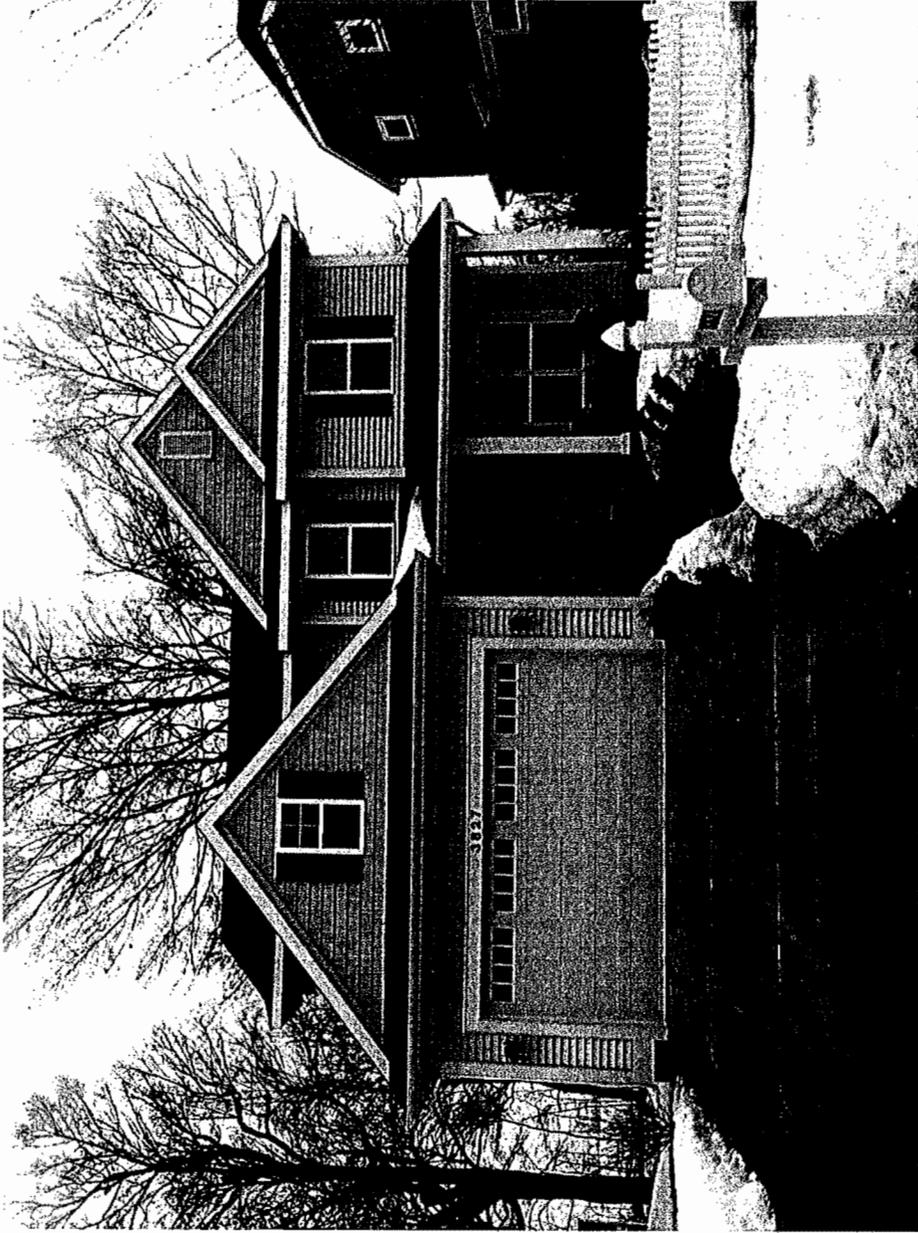
## Ranch

Mayberry Homes



## Ranch

Mayberry Homes



**Two Story**  
Mayberry Homes



## Two Story

Mayberry Homes



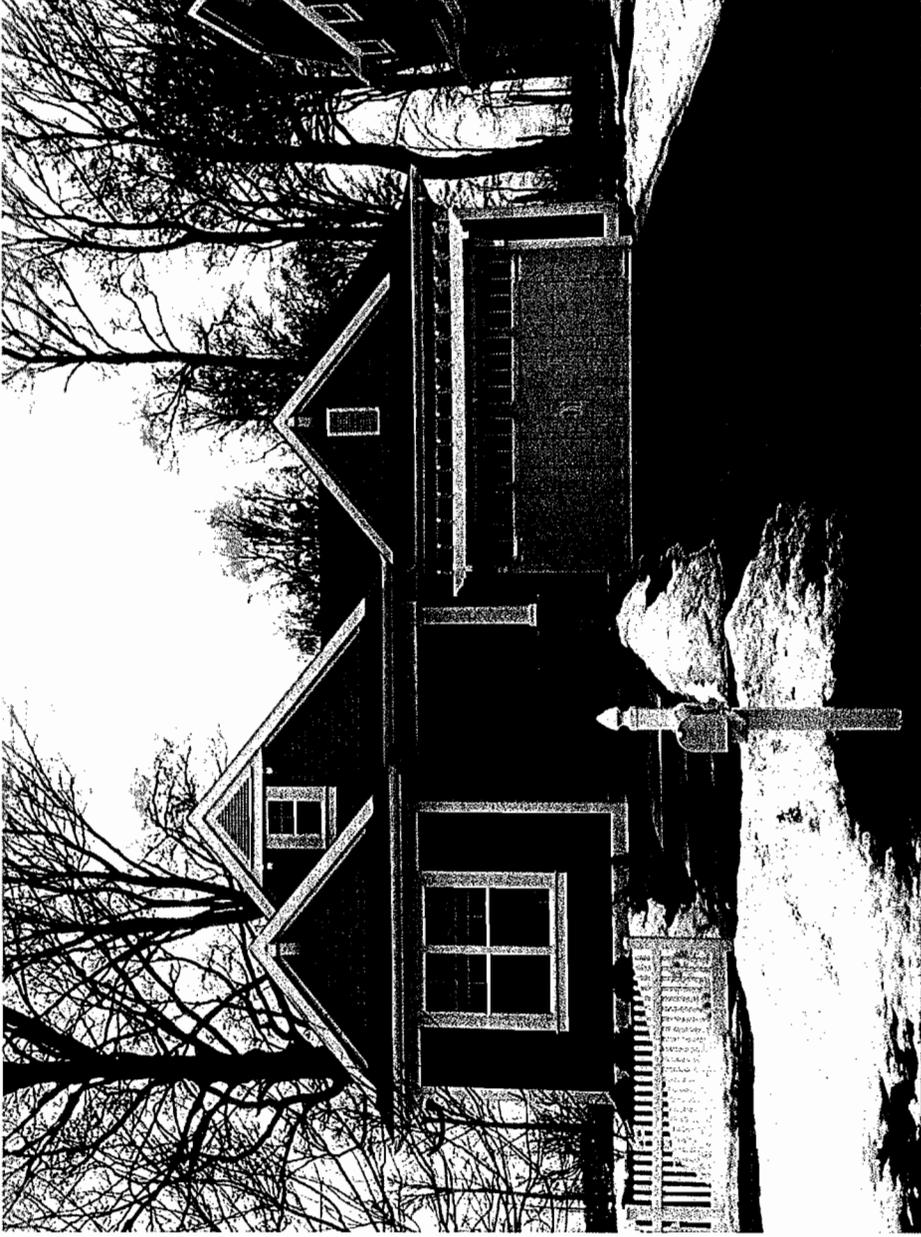
## Ranch

Mayberry Homes



## Ranch

Mayberry Homes



## Ranch

Mayberry Homes



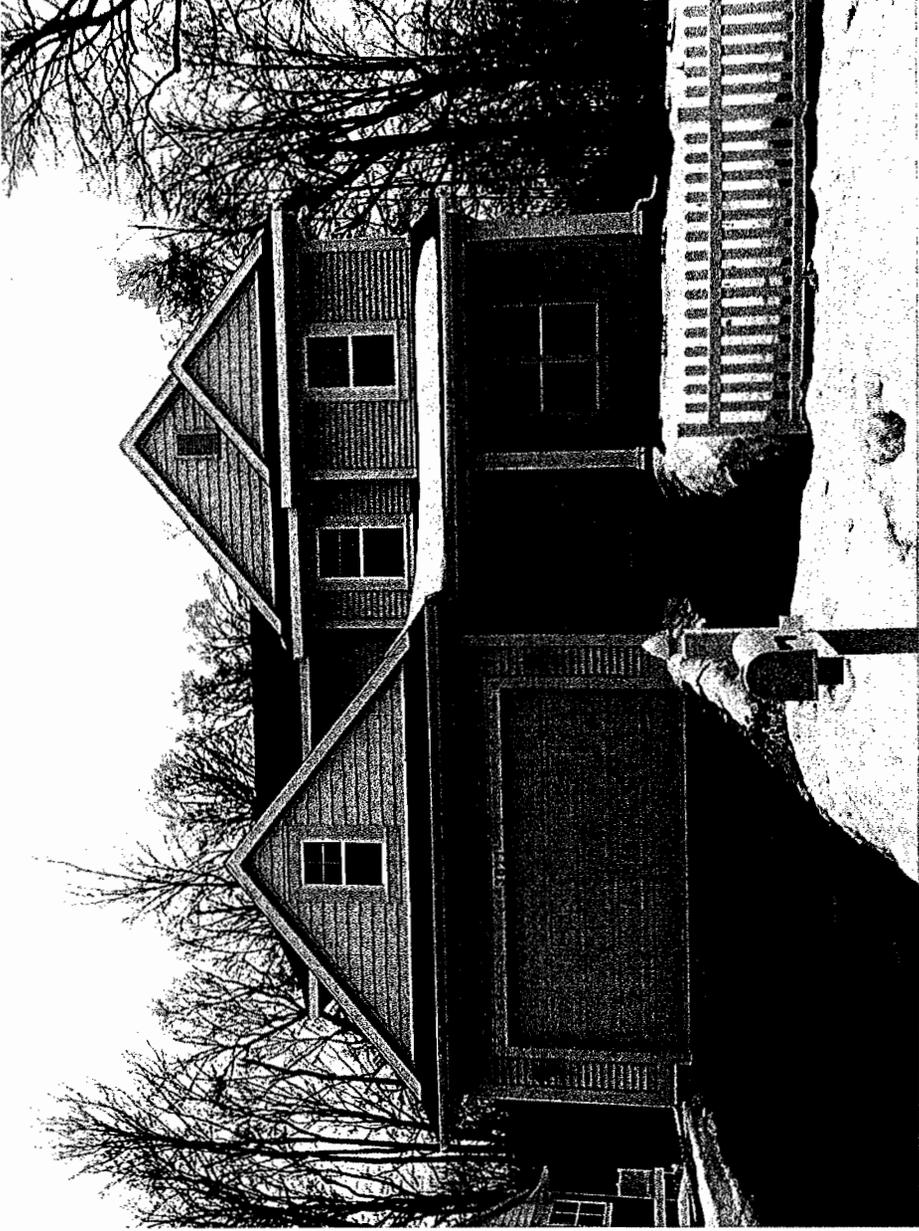
## Two Story

Mayberry Homes



## Ranch

Mayberry Homes



## Two Story

Mayberry Homes



## Two Story

Mayberry Homes



## Ranch

Mayberry Homes

## David Haywood

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**From:** Donald Heck [donh@wolveng.com]  
**Sent:** Monday, May 05, 2014 4:12 PM  
**To:** David Haywood  
**Subject:** Final Site Plan - Landings at Rayner Ponds

Mr. Haywood –

We have briefly reviewed the Landings at Rayner Ponds site plan and have a concern with the “Emergency Overflow” designation. Without a better explanation of this designation we are reluctant to offer a recommendation for final site plan approval.

We will follow up with a formal letter tomorrow.

If you have any questions or require additional information, please do not hesitate to call.



**Donald B. Heck, PE**  
**Wolverine Engineers & Surveyors, Inc.**  
312 North Street  
Mason, Michigan 48854-1169  
Ph: 517.676.9200      Fx: 517.676.9396

[donh@wolveng.com](mailto:donh@wolveng.com)   <http://www.wolveng.com>

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**McGINTY, HITCH, HOUSEFIELD, PERSON,  
YEADON & ANDERSON, P.C.**

MEMORANDUM

TO: David Haywood, Planning & Development Director

FROM: Dennis E. McGinty, City Attorney 

RE: **LANDINGS AT RAYNER PONDS  
FIFTH AMENDMENT TO MASTER DEED**

DATE: April 4, 2014

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This is in response to your memorandum dated Tuesday, April 1, 2014, requesting that I review a final draft of a Fifth Amendment to Master Deed prepared by the current owners and developers of the Landings at Rayner Ponds. Also attached to this amendment is the amended site plan described as Replat No. 5. This amendment is intended to reconfigure the condominium development by converting 22 former attached condominium units into 16 separate detached units. An amended site plan/SUP is pending approval before the Mason Planning Commission subject to this Master Deed amendment being approved by all parties, including existing property owners within the development.

We last reviewed this proposed amendment to the Master Deed in December, 2013, which at that time was captioned Fourth Amendment to Master Deed. Our review comments and recommendations were provided to you and the Planning Commission in our memorandum dated December 6, 2013. My review of the present Fifth Amendment to Master Deed indicates that the developer has addressed all of the issues raised in my previous report and has made the necessary changes and additions required for approval. The proposed amendment is, therefore, approved by this office as written and may now be submitted to the Planning Commission for final approval and recording with the Ingham County Register of Deeds.

Thank you for sending this document to us for our review.

bks

cc Martin A. Colburn  
David Pierson, Esq.

# City of Mason

201 W. Ash St.  
P.O. Box 370  
Mason, MI 48854-0370  
www.mason.mi.us



City Hall 517 676-9155  
Police 517 676-2458  
Fax 517 676-1330  
TDD 1-800-649-3777

## MEMORANDUM

**To:** David Haywood, Zoning and Development Director  
**From:** Marty Colburn, City Administrator & DPW Director  
**Date:** May 9, 2014  
**Re:** Site Plan Review, Landings at Rayner Ponds



Pages 1 and 2: On the drawings of "The Landings at Rayner Ponds Condo" site and utility plan received April 3, 2014, there appears to be a mismatch between the numerical sequence of the 18 units on the square footage chart and proposed lot grades on page 4. Pages 1 and 2 reference Units 45 and 46, while page 4 references Units 47 and 48. The two charts conflict with the corresponding unit numbers.

Page 1: The drainage manhole at the intersection of Coppersmith and Wildemere Drive demonstrates a line northeast bound but not connected to a catch basin.

Page 1: No safety traffic signage is demonstrated at the intersections.

Pages 1 and 4: The provided scale states 1" = 50' while on Pages 2 and 3 the scale states 1" = 60'.

MAC/icn

## David Haywood

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**From:** Ken Baker [kenb@mason.mi.us]  
**Sent:** Thursday, May 08, 2014 5:04 PM  
**To:** David Haywood  
**Subject:** Landings at Rayner ponds

Dave:  
I have reviewed the plans dated April 3 2014.  
I agree with the comments from Don Heck the City Engineer.  
I would like to see more detail on this emergency overflow.  
It does look like they addressed the water and sewer lead issues.  
My only other concern is if someone changes the grade of their yard it cause water issues as this is set up for surface draining storm water.  
It would be my preference that the sites have storm water leads stubbed out to each site for future drainage issues.  
Thank You  
Ken Baker  
Superintendent of Public Works.

# City of Mason

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## MEMORANDUM

TO: Planning Commission

FROM: David E. Haywood, Zoning & Development Director 

RE: Master Plan Implementation Strategy

DATE: May 9, 2014

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As was discussed at the April meeting, staff is recommending that the Planning Commission turn its attention to Chapter Five of the Plan, Implementation Strategy. Staff encourages the Planning Commission to explore this chapter in depth and begin the process for prioritizing the listed suggestions for implementation. There are several strategies listed in Chapter Five to examine and prioritize, which include the following:

1. Zoning Ordinance Update – page 5-2
2. Subdivision Ordinance Update – page 5-4
3. Other Special Purpose Ordinances – page 5-4
  - Light Pollution
  - Clean Creek
  - Property Maintenance
  - Access Management
  - Development Incentives
  - Storm Water Funding
  - Form Based Code - downtown
4. Non-Motorized Transportation Plan – page 5-8
5. Future Study Areas – page 5-8
  - County Fairgrounds East Buffer Area
  - Airport
  - Cedar Street Interchange

Staff would suggest beginning the process of prioritizing these items. Care should be taken to balance the availability of staff time and funding. Attached is Chapter Five in its entirety.

**Recommended Action:**

**For discussion only, no action is required at this time.**

# CHAPTER 5 IMPLEMENTATION STRATEGIES

## Introduction

This Master Plan establishes a strategy for growth, development and preservation in the City of Mason Planning Area. The Plan is comprised of policies that are presented in both graphic and narrative form and are to provide basic guidelines for making reasonable, realistic community development decisions. It establishes policies and recommendations for the proper use of land and the provision of public services and facilities. The Plan is intended to be used by local officials, by those pursuing private sector developments, and by all residents interested in the future of the City. The Plan is a policy document. As a policy document, the Plan's effectiveness is directly tied to the implementation of its policies through specific tools and actions.

The completion of the Plan is one part of the planning process. Realization or implementation of the goals, objectives and policies of the Plan can only be achieved by specific actions, over an extended period of time, and through the cooperative efforts of both the public and private sectors.

Implementation of the Plan may be realized by actively:

- 1) Ensuring city-wide knowledge, understanding, and support of the Plan, and the continuing communication with and involvement of the citizenry.
- 2) Regulating the use and manner of development through up-to-date reasonable zoning controls, subdivision regulations, building and housing codes, other regulatory tools, and development incentives.
- 3) Providing a program of capital improvements and adequate, economical public services to encourage desired land development and redevelopment.

The purpose of this Chapter is to identify implementation tools and where applicable, specific actions to be pursued and the body or bodies considered most appropriate to administer the action.

## Public Support, Communication and Community Involvement

Citizen participation in and understanding of the general planning process and the specific goals, objectives and policies of the Plan are critical to the success of the City's planning program. Understanding and support of the Plan by local citizens can greatly enhance its implementation. This support may be found in citizen support for bond proposals, special assessments, zoning decisions, and development proposals.

In order to organize public support most effectively, the City must emphasize the necessity of, and reasons for long-range planning and the development of the Master Plan. The City must encourage citizen participation in on-going community planning efforts.

Specific actions to be undertaken to encourage public understanding and support of the City's planning program, and the continued communication with and involvement of the citizenry, are presented in the following list.

- 1) Ensure that copies of the Master Plan are readily available for viewing at the City Hall and on City's website. (Zoning Administrator)
- 2) Post the Future Land Use Map of the Master Plan in the City Hall where it is clearly visible and on the City's website. (Zoning Administrator)
- 3) Make the Master Plan and a listing of current events pertaining to planning and zoning matters available on the City's web site. (Zoning Administrator)

- 4) Apprise residents of meetings that will address development proposals as the projects move through each stage of review and deliberation, through public notices, the City's newsletter, City Hall postings, and other means. (Zoning Administrator)
- 5) Maintain a posting at the City Hall and on the City's web site that identifies proposed developments and land use decisions under consideration, and where individuals may acquire additional information on such matters. (Zoning Administrator)
- 6) Conduct an annual report concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development. (Planning Commission)
- 7) Make available the Mason "City Newsletter" to all residents on the City's website, and include articles in the newsletter that discuss the City's planning efforts and land use decisions currently under deliberation. (City Administrator)
- 8) Post the newsletter at the City Hall, on the City's web site, and other public sites for public viewing by all. (City Administrator)
- 9) Utilize the City's cable channel to inform residents about community activities and programs. (City Administrator)
- 10) Support a Welcome Wagon program to greet new residents. (Community)
- 11) Encourage Neighborhood Watch programs in each neighborhood to promote cooperation and communication. (Police Department)
- 12) Encourage continued communication and cooperation with neighboring townships. (All local officials)
- 13) Ensure all City staff with direct citizen contact has a basic understanding of the Master Plan and related enforcement mechanisms. (Planning Commission, Zoning Administrator, City Administrator)
- 14) Make information available to the public on the City's various ordinances including their general purpose and scope, and the general procedures for resolving conflicts or violations. (Zoning Administrator, City Administrator)
- 15) Continue to foster the philosophy of community policing, including maintaining the bicycle patrol for increased and enhanced public contact.
- 16) Promote and foster volunteerism within the community for the purpose of advancing the goals and policies of this plan.

## Land Development Codes

### Zoning Ordinance

A zoning ordinance is the primary tool for implementing a Master Plan through the regulation of the use of land. A zoning ordinance generally divides a community into districts and identifies those land uses permitted in each district. Each district prescribes minimum standards that must be met such as minimum lot area, lot width, and building setbacks. Zoning regulations for cities are adopted under the authority of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended. The purpose of zoning, according to the Act, is to (in part): *"...regulate and restrict the use of land and structures; to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that uses of the land shall be situated in appropriate locations and relationships; to limit the overcrowding of land and congestion of population and transportation systems and other public facilities..."*.

Permitted land uses in a district are generally designated as *"uses permitted by right"* and *"special land uses"*, and this differentiation is an important tool.

Uses Permitted by Right: Uses permitted by right are the primary uses and structures specified for which a particular district has been established. An example may be dwellings in a residential district.

Special Land Uses: Special land uses are uses and structures that have been generally accepted as reasonably compatible with the primary uses and structures within a district. However, because of their specific character, they may present potential injurious effects upon the primary uses within the district or are otherwise unique in character. These uses require special consideration in relation to the welfare of adjacent properties and to the City as a whole. An example may be a cemetery in a residential district.

Special land uses require a heightened level of scrutiny in their review and may require reasonable conditions necessary to ensure compatibility and to protect the community and its environment. Officials are afforded greater discretion in determining whether a particular special land use is appropriate on a particular site.

Another important tool is the requirement for the submittal of a site plan illustrating proposed alterations and improvements to a parcel. Such a plan assists local officials to determine if the development

complies with all standards of the Zoning Ordinance and if it is designed to encourage compatibility with surrounding land uses.

Adoption of zoning regulations by the City Council provides the legal basis for enforcement of zoning provisions. The ultimate effectiveness of the various ordinance requirements, however, is dependent upon the overall quality of ordinance administration and enforcement. The Planning Commission, City Council, and staff are responsible for carrying out zoning/development related functions including the review of development plans and site inspections, community/developer liaison, and other functions. Each of these functions can require a substantial investment of time. Adequate staff levels and/or consulting assistance are important to ensure that these essential day-to-day functions are met and appropriate development results.

The City first adopted zoning regulations in the mid-1950s and has periodically updated its zoning provisions to address changing conditions and policies in the City. The zoning ordinance underwent extensive updating in 2001 to incorporate the many amendments adopted over the years and address substantive deficiencies. With the adoption of this Master Plan, the City's zoning ordinance should again be reviewed to identify any amendments that may be beneficial to implement the policies of the Plan.

The Planning Commission should undertake an evaluation of the Zoning Ordinance to determine whether the Ordinance is in coordination with the Master Plan. If a lack of coordination is evident, a determination should be made as to whether amendments to the Zoning Ordinance or Master Plan are in order. If deficiencies in the Ordinance are identified, the Planning Commission should develop a program for addressing the deficiencies through prioritized amendments. However, depending upon the extent or character of the deficiencies, prioritization may be difficult due to the potential overlap and inter-relatedness of the deficient sections. Ultimately, the Planning Commission should develop a set of amendments to address the deficiencies. Once the amendments have been refined to the satisfaction of the Planning Commission, taking into consideration public input received from at least one public hearing, the Planning Commission should then make a report of the amendments to the City Council for consideration. At a minimum, the following evaluations should occur to determine coordination between the Master Plan and Zoning Ordinance.

- 1) Evaluate the schedule of districts to determine if they implement the Plan's policies, including the clarity of each district's purpose statement.

- 2) Evaluate the delineation of authorized uses in each district, including those authorized as "*uses permitted by right*" and as "*special land uses*" to ensure the purpose of the District is implemented. For example, the allowance of boarding and rooming houses "*by right*" in the Central Business district may be contrary to the principal purpose of the downtown area and the policies of this Plan.
- 3) Evaluate the site development standards of each District to ensure the purpose of the District is implemented. For example, the absence of provisions addressing the size and bulk of commercial buildings (beyond just height) may contribute to development that is out of character with the site and/or surrounding conditions, and the policies of this Plan.
- 4) Evaluate site plan and special land use review procedures including the sufficiency of information required to make sound decisions, the scope of approval standards, the clarity of procedures, and the opportunities for comment by varied public bodies including police, fire, and public works departments.
- 5) Evaluate site development standards addressing:
  - a) landscaping/screening, outdoor lighting, environmental protection, access management along thoroughfares, signage, and off-street parking;
  - b) preservation of the City's character and environmental integrity; and
  - c) measures to limit conflicts between land uses.
- 6) Evaluate opportunities for beneficial innovative development patterns, such as mixed-use areas and open space communities, through regulations that encourage desirable development patterns (incentive zoning).
- 7) Evaluate the clarity of administrative and enforcement provisions to ensure consistency in the application of the Zoning Ordinance.
- 8) Evaluate provisions for the inclusion of adequate green space areas as part of new development, including both residential and nonresidential development.
- 9) Evaluate the extent to which the Ordinance's provisions addressing open space areas, landscaping, screening, and buffering measures encourage city beautification and compatibility among land uses including:
  - a) streetscape and alley improvements and long-term maintenance;
  - b) landscaping and screening between properties;
  - c) parking lot landscaping and screening;
  - d) screening of air conditioners, dumpsters, and similar accessory structures; and
  - e) sidewalk and other non-motorized circulation amenities.

## Subdivision Ordinance

When a developer proposes to subdivide land, the developer is, in effect, planning a portion of the City. To ensure that such a development is in harmony with the Master Plan, the subdivision or re-subdivision of residential and nonresidential land must be adequately reviewed. A subdivision ordinance establishes requirements and design standards for the development of plats including streets, blocks, lots, curbs, sidewalks, open spaces, easements, public utilities, and other associated subdivision improvements. The Land Division Act, P.A. 288 of 1967, as amended, provides the authority for municipalities to adopt local ordinances to administer the provisions of the Land Division Act.

With the implementation of a subdivision ordinance, there is added insurance that development will occur in an orderly manner and the public health, safety and welfare will be maintained. For example, subdivision regulations can help ensure developments are provided with adequate utilities and streets, and appropriately sized and shaped lots. Adopting a local ordinance addressing the creation of subdivisions can encourage a more orderly and comprehensive manner for the review and approval of subdivision plats.

The City of Mason adopted a subdivision ordinance in 1968 and it has been periodically amended since. At a minimum, the following evaluations should occur to determine coordination between the Master Plan and Subdivision Ordinance.

- 1) Evaluate the provisions addressing required improvements including the necessity or appropriateness for streetscape improvements (lighting, street tree plantings, etc.).
- 2) Evaluate the clarity of the provisions addressing all administrative and enforcement matters to ensure consistency in the application of the Subdivision Ordinance.

## Other Special Purpose Ordinances

While zoning and subdivision regulations are the most frequently used tools for the regulation of land use and development, the control of land use activities can extend beyond their respective scopes. Special purpose rules and regulations can complement zoning and subdivision regulations and further the implementation of the Master Plan. The City of Mason has adopted numerous such ordinances including ordinances that address junk, weeds, noise, fire protection, historic preservation, use of parks, and streets and sidewalks. The City should evaluate its current special purpose ordinances and determine

what new ordinances, and/or amendments to current ordinances, may be beneficial to further implement the Master Plan.

Areas of particular action are presented in the following list:

- 1) Adopt a light pollution ordinance to address excessive lighting, glare, and related nuisance issues associated with inappropriate outdoor lighting conditions. (Planning Commission, City Council)
- 2) Adopt a "*clean creek*" ordinance, or amendments to existing City environmental codes, to address improper clearing and discharging of runoff or wastes in or near important water courses. (City Council, in coordination with the County Drain Commissioner)
- 3) Adopt a property maintenance ordinance, or amendments to existing City junk and blight codes, to address the proper maintenance of residential and nonresidential properties. (City Council)
- 4) Adopt an access management ordinance to ensure safety along thoroughfares and minimize congestion. (Planning Commission, City Council)
- 5) Explore opportunities for enacting amendments to existing ordinances that will provide incentives to developers (such as allowing greater densities for additional open spaces) to pursue desirable development patterns. (City Administrator, Zoning Administrator)
- 6) Adopt ordinances and policies to fund storm water management. (City Council)
- 7) Evaluate the appropriateness of an overlay form-based code district for the Mason Historic District #1 and/or the Downtown Development Authority District. An overlay district should preserve and ensure community-defining building forms in the downtown square. The overlay district should address basic building form issues such as minimum number of building levels, fenestration, first floor store front height, recessed entryways, sign board placement, etc.
- 8) Pursue the adoption of a city Fire Code (Fire Chief)

## Capital Improvements Programming

The orderly programming of public improvements is to be accomplished in conjunction with the Master Plan. The manner in which this occurs is called Capital Improvements Programming. In its basic form, a Capital Improvements Program (CIP) is a complete

list of all proposed public improvements planned for a six year period, including costs, sources of funding, location, and priority. It is a schedule for implementing public capital improvements that acknowledges current and anticipated demands, and recognizes present and potential financial resources available to the community. The CIP is not intended to encourage the spending of additional public monies, but is simply a means by which an impartial evaluation of needs may be made. The CIP outlines the projects that will replace or improve existing facilities, or that will be necessary to serve current and projected land use development within a community. Obviously, completion of the various projects contained within the CIP is fully dependent on the availability of funds and other conditions beyond the City's control.

Advanced planning for public works through the use of a CIP ensures more effective and economical capital expenditures, as well as the provision of public works in a timely manner. Few communities are fortunate enough to have available at any given time sufficient revenues to satisfy all demands for new or improved public facilities and services. Consequently, most are faced with the necessity of determining the relative priority of specific projects and establishing a program schedule for their initiation and completion. The use of capital improvements programming can be an effective tool for implementing the Master Plan.

The following projects, identified as part of the Master Plan planning process and largely reflective of the Capital Improvement Plan adopted by the Planning Commission in 2012, should be included in such a program:

#### Police Protection

- 1) Install a carport structure at the City Hall to protect the vehicles from the elements and improve response times.
- 2) Explore the feasibility of a joint gun range with other area jurisdictions, such as Ingham County and Delhi Township, and pursue its development if determined feasible and practical.
- 3) Update and replace pistols, holsters, rifles, and rifle racks.

#### Fire Protection

- 1) Purchase new vehicles to replace aging units of decreasing reliability.
- 2) Purchase new Officer vehicle.

#### City Hall

- 1) Improve the audio/visual and other technology systems in the community room

#### Water Service

- 1) Continue the process of looping the system as new development occurs to maintain adequate pressure.
- 2) Replace and upgrade the older and undersized pipe on an ongoing basis.
- 3) Maintain the well maintenance and replacement program to ensure adequate supply.
- 4) Install a dehumidification system.
- 5) Provide/install security cameras.
- 6) Install cathodic protection systems for the Ash Street and Hayes Park water wells.
- 7) Install water main along Kipp Road.
- 8) Explore alternative power sources (solar or wind).

#### Sanitary Sewer Service

- 1) Expand, upgrade or replace the waste water treatment plant in phases, to increase available treatment capacity when warranted by future development.
- 2) Continue to investigate and eliminate cross connections to the system which are unnecessarily absorbing system capacity through inflow and infiltration.
- 3) Replace and upgrade the older and undersized pipe on an ongoing basis.
- 4) Plan for the replacement or possible elimination of the two older lift stations and continue to monitor the functioning of the other two.
- 5) Explore alternative power sources.
- 6) Upgrade controls in the Main Court lift station.
- 7) Install a backup generator for the Curtis Street and Hunting Meadows lift stations.
- 8) Upgrade/repair sewer cameras.

#### Storm Water Management

- 1) Continue to evaluate, replace and upgrade storm sewer lines in conjunction with the street improvements program.
- 2) Create a Red Cedar River Watershed Management Plan.
- 3) Replace curb markers and obtain supplies for storm water program.
- 4) Replace the asphalt at the Public Works yard.

#### Transportation

- 1) Extend Eugenia Street or Franklin Farms Drive to Kipp Road to allow additional ingress/egress to the area as development occurs.

- 2) Implement strategies to reduce traffic accidents along Ash Street and Jefferson Street.
- 3) Continue full funding of the street improvement program, including sidewalks.
- 4) Continue to develop a M-36 truck bypass route to discourage truck traffic in the downtown area.
- 5) Install sidewalks as part of an infill program to establish continuous pedestrian and non-motorized circulation networks.
- 6) Install pedestrian crossings in railroad right-of-ways where absent and repair pedestrian crossings where needed.
- 7) Encourage MDOT to extend recent improvements made to the north section of Cedar Street south to encompass the section between Columbia and Ash, including installation of sidewalk, trees, etc.
- 8) Integrate complete streets infrastructure and design features into street design and construction where appropriate to create safe and inviting environments for all users to walk, bicycle, and use public transportation where appropriate and feasible.
- 9) Develop street linkage on the west side of US-127 between Sitts/South Street and Kipp Road.
- 10) Build railroad crossing from the Mason Elevator property on Zimmerman Street to North Mason Street to facilitate Mason Elevator and farm vehicles and improve safety for those vehicles.

#### Parks, Recreation, Forestry and Cemetery

- 1) Continue improvements at Rayner Park, including open air seating at Rayner Stage, restroom improvements, lighting, landscaping, and pedestrian bridge repair/replacement.
- 2) Expand non-motorized trail system to connect with east side of City.
- 3) Expand non-motorized trail system to connect with Delhi Township and Vevay Township existing and proposed trail systems.
- 4) Resurface Bond and Hayes Park parking lots.
- 5) Construct second entrance in Maple Grove Cemetery and expand Cemetery into phase one and two.
- 6) Continue to remove and replace damaged, infested and diseased street trees and plant new trees where missing.
- 7) Reduce the impact of extensive tree loss in public spaces by diversifying tree species, particularly in parks and streets.

- 8) Improve the bathroom facilities at Bond and Hayes Parks.

#### Downtown Development Authority (DDA)

- 1) Continue to pursue streetscape amenities.
- 2) Provide capital assistance to 124/140 East Ash Street properties.
- 3) Upgrade the sound system surrounding the Courthouse square to facilitate festivals and public events.
- 4) Continue to provide facade assistance to eligible property owners as budget permits.

#### Library

- 1) Actively partner with the Capital Area District Library to continue to research alternatives that would allow expansion or replacement/relocation of the Mason Library to meet the current and future needs of the Capital Area District Library's service goals and objectives.
- 2) Pursue solutions to existing facility limitations addressing repairs to the garage floor, window replacement, and new barrier free bathrooms.

## **Economic Development Programs**

There are a number of programs available to the City to encourage economic development in coordination with the Master Plan.

### **Financing**

The **Downtown Development Authority Act, P.A. 197 of 1975**, as amended, permits municipalities to establish a nonprofit development corporation called a Downtown Development Authority (DDA) with broad powers, including those of taxation and bonding, to focus on revitalization and development within established "downtown" boundaries. The Act gives the DDA broad powers with regard to the planning and development of the downtown district. It may engage in downtown planning, promote housing and public facility developments, and encourage economic development projects. Operating revenues may be raised through public and private contributions or through properties the DDA may control. With the approval of the municipal governing body, an ad valorem tax may be levied on real and tangible personal property within the downtown district. Capital financing may be raised through revenue bonds, borrowing money, and tax increment financing. Tax increment

financing involves the capture of increased property taxes resulting from new development to pay for the public facilities and other activities required for the development.

The City of Mason established a DDA in 1984. All DDA plans for economic development and financing should be reviewed and, if applicable, revised to maintain coordination with the Master Plan.

Other programs function similarly to those authorized by P.A. 197 of 1975. **The Economic Development Corporation (EDC) Act**, P.A. 338 of 1974, as amended, permits the creation of county or local corporations that can be used to assist financing of private development projects that will result in the creation of new jobs and an expanded tax base. **The Local Development Finance Authority (LDFA) Act**, P.A. 281 of 1986, permits the creation of a local authority board to fund infrastructure improvement projects for industrial development.

### **Commercial Business Retention and Expansion**

- 1) Continue support for the Downtown Development Authority, Historic District Commission, and the Mason Area Chamber of Commerce's efforts to preserve, enhance and protect our unique downtown center including:
  - a) Evaluate existing and encourage ongoing improvement of downtown facades. (Downtown Development Authority and City Council)
  - b) Explore opportunities to improve the clarity and attractiveness of direction signs for visitors to Mason for events and destinations, including locations of public restrooms and water fountains. (Downtown Development Authority and City Administrator)
  - c) Encourage building owners to install fire sprinkler systems for building and public safety. (City Administrator, Fire Chief, and Downtown Development Authority)
  - d) Continue maintenance of the downtown streetscape including street and sidewalk sweeping; planting/landscaping enhancements; and alley revitalization. (Downtown Development Authority and City Administrator)
  - e) Expand visibility of police patrols in downtown to enhance citizen perception of safety. (Police Chief)
  - f) Encourage and support efforts of the DDA and Chamber of Commerce in pursuing community identity campaigns, such as branding and logos. (DDA, Chamber of Commerce, City Administrator)

- 2) Encourage additional development and improvement of the Cedar Street and Kipp Road commercial business corridors through sign ordinance regulation; streetscape improvements; access management; and architectural guidelines. (Planning Commission and City Council)

### **Industrial Development**

- 1) Collaborate with county, regional, and state economic development organizations to identify opportunities for attracting new industrial development and for expanding existing Mason industries. (Planning Commission, City Council)
- 2) Prioritize "clean" industries for City economic development efforts. (Planning Commission, City Council, and Downtown Development Authority)
- 3) Seek to limit encroachment of commercial and residential land uses into those areas identified in the Master Plan for industry. (Planning Commission, City Council)
- 4) Consider infrastructure needs of future industrial expansion when opportunities arise, especially as related to electronic information transmittal and rail and highway transport. (Planning Commission, City Council)
- 5) Participate in "brownfield" programs to facilitate the redevelopment of abandoned industrial sites. (Planning Commission, City Council)

## **Other Implementation Strategies**

In addition to the tools discussed in the previous pages, there are a number of other miscellaneous implementation strategies that should be pursued to further implement the Master Plan. These additional strategies are listed below:

### **Continuing Care for Senior Citizens**

- 1) Encourage a privately developed extended care facility for older citizens in need of long term care services or accommodations. (Community)
- 2) Provide a safe and accessible walking trail for exercise and enjoyment. (City Council)
- 3) Increase activities for senior citizens, including a new Senior Night. (Community)

### **Entertainment**

- 1) Promote the establishment of Bed and Breakfast facilities in the downtown area. (Planning Com-

mission, City Council, and Downtown Development Authority)

- 2) Encourage the establishment of a movie theater and playhouse for live productions. (Planning Commission)
- 3) Encourage church groups to provide after school activities for youth, especially for pre-teens. (Residents)
- 4) Pursue and attract destination restaurant and entertainment (Downtown Development Authority and City Administrator)

## Housing

- 1) Explore opportunities for encouraging compliance with the property maintenance ordinance and City junk and blight codes, to address the proper maintenance of residential and nonresidential properties. (City Council)
- 2) Develop strategies to encourage the conservation of older housing stock and explore community interest in expanding historic preservation efforts for older homes of significant architectural interest. (City Administrator, Zoning Administrator)
- 3) Pursue state and federal grant programs to assist in the enhancement of residential areas. These programs include:
  - a) *Community Development Block Grants, Housing Grant Program*: Under this program, CDBG funds may be used by a community that demonstrates housing needs. Neighborhood preservation and revitalization is a priority and may be addressed by implementing a variety of comprehensive neighborhood housing rehabilitation and community development activities such as home improvements, rehabilitation of rental units, programs for the homeless, and public facilities improvements if part of a comprehensive improvement program for a targeted neighborhood. (City Administrator)
  - b) *Community Development Block Grants, Neighborhood Builders Alliance Program*: Under this program, CDBG funds may be used to improve the quality of life by rebuilding neighborhoods. Funds may be used to support the efforts of neighborhood based and other non-profit organizations to undertake specific activities directed at general neighborhood improvements and crime prevention. (City Administrator)

## Recreation

- 1) Evaluate and implement the City Recreation Plan. (City Council)

- 2) Continue to promote Mason as a "Walkable Community" by maintaining and developing city sidewalks on all streets where practical. Pursue projects such as Hayhoe Riverwalk, connecting existing park spaces in the community with walking and bike trails. (Planning Commission)
- 3) Maintain strong coordination with local service organizations to facilitate the provision of recreation programs in association with the City's park facilities and library site. (City Administrator)
- 4) Pursue state and federal grant programs to assist in the enhancement of recreation facilities and opportunities. (City Administrator)
- 5) Establish a recreation board broadly representative of the community. (City Council)
- 6) Develop recreational facilities that are capable of attracting regional athletic tournaments.

## Transportation

- 1) Pursue state and federal grant programs to assist in the enhancement of transportation corridors including streets, non-motorized trails, and streetscape improvements. For example, the Michigan Transportation Economic Development Fund, administered through the Michigan Department of Transportation, provides grants for street projects relating to economic development opportunities in agriculture or food processing, tourism, forestry, high technology research, manufacturing, or eligible office center developments.
- 2) Monitor activities of the Mason-Jewett Field and the Capital Region Airport Authority (CRAA), and communicate with airport authorities regarding operations, proposed changes, and anticipated impacts on the City.
- 3) Partner with CRAA and Vevay Township to develop and implement a plan to reduce the undesirable effects of airport operations on area residents, including the enhancement of airport rules and enforcement thereof, and to develop a process for effectively handling resident complaints regarding airport use.
- 4) Develop a non-motorized transportation plan emphasizing the nature and extent of walkways and trails linking parks, schools and other institutions to each other and neighboring jurisdictions and identifying locations of other alternative means of transportation within the City.
- 5) The City of Mason should study options for improving the major motor vehicle entrances into the City. Improvements could include streetscape for more trees and other plantings; removing overhead utility wires; controlling signage; improving

directional signage; enhancing the skyline of the city for viewing the County Courthouse dome which is visible from many approaches to the City; improving interfaces with pedestrian and bicycle paths; and implementing "traffic calming" methods to improve vehicular safety. The study should result in a general proposal that could become more specific if funding became available. Partnerships could be developed with surrounding units of government to further advance these improvements for mutual benefit.

The priority order for improving entrances is as follows:

- North Cedar Street (Could link to Holt/Delhi Township study);
- Kipp Road and Jefferson Street (Could link to new commercial/industrial developments in that area.)
- East Ash (Could link to any improvements to the County Fair Grounds by Ingham County.)
- West Columbia (Could link to new residential developments in that area.)

#### 6) Access Management

Adopt access management guidelines in order to better manage the future development of the community. "Access Management" is a set of proven techniques that can help reduce traffic congestion, preserve the flow of traffic, improve traffic safety, prevent crashes, preserve existing street capacity and preserve investment in streets by managing the location, design and type of access to property".

#### **Future Study Areas**

Due to the special characteristics of certain areas of the city, special care must be taken to ensure that development happens in an orderly way and that the expectations of the performance of these special areas are clearly thought out with the proper guidance provided to prospective developers and land owners as to critical development components such as traffic patterns, traffic access points, density concerns etc. that if not properly managed may have a detrimental impact to the surrounding area. It is the intent of this plan, because of the unique physical characteristics of the areas described below, that more intensive planning is necessary to best promote the public health, safety, morals, order, convenience, prosperity, and general welfare. This plan also acknowledges that the planning for each of these sub areas is not possible without delaying the planning process for the entire planning jurisdiction. The planning areas below are directly correlated with the mixed use planning areas described in Chapter Three.

1. County Fairgrounds East Buffer Area
2. Airport
3. Cedar Street Interchange

### **Maintaining a Current Master Plan**

Successful implementation of desired policies requires the maintenance of a current Master Plan. The Master Plan should be updated periodically. The Plan must be responsive to community changes if it is to be an effective community tool and relied upon for guidance. Periodic review of the Plan should be undertaken by the Planning Commission, City Council, and other officials to determine whether the Plan continues to be sensitive to the needs of the community and continues to chart a realistic and desirable future. Community changes that may suggest amendments to the Plan include changing conditions involving available infrastructure and public services, growth trends, unanticipated and large-scale development, and changing community aspirations. The Michigan Planning Enabling Act requires a Planning Commission to review its Master Plan at least every five years to determine whether amendments or a wholly new Plan is necessary. However, an annual review of the Plan is recommended to ensure the Plan stays current with the continuing evolution of the City.

Important questions that should be asked during a review of the Plan should include:

- 1) Does the Plan present valid and current inventory data (Appendices)?
- 2) Does the discussion of planning issues and goals/objectives (Chapter Two) continue to be appropriate for the City today and, if not, what additions, deletions or other revisions should be considered?
- 3) Does the Future Land Use Strategy (Chapter 3) continue to reflect the preferred strategy for addressing development and preservation and, if not, what revisions should be considered?

Amendments to the Plan or the preparation of a wholly new Plan should follow the procedures delineated in the Michigan Planning Enabling Act in addition to measures the City believes will enhance the planning process. The City should seek substantive community input on possible changes during the early stages of deliberations as it has done in the past.