



LIBER 962 PAGE 161

STATE OF MICHIGAN
HURON COUNTY
RECORDED

21 MAR 2003 11:55:21 AM

FRANCES L. HOLEWICK
REGISTER OF DEEDS

DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
BOX 1027
DETROIT, MICHIGAN 48231-1027

February 24, 2003

IN REPLY REFER TO

Engineering & Technical Services
Regulatory Office
File No. 01-016-099-1

William *WLS*
Frank L. Serra
Pointe Aux Barques Development, Inc.
2732 Arrowwood Court
Sterling Heights, Michigan 48314

Dear Mr. Serra:

Please refer to your February 20, 2003 email requesting Department of the Army authorization of a modified proposal to place fill material in wetlands for road crossings to access residential housing in wetlands adjacent to Lake Huron at Helles Road, Port Austin, Michigan (Section 29, Township 19N, Range 13E). By letter dated February 4, 2003, we verified that your previously proposed work was authorized by our regulations for nationwide permits.

We have reviewed your project and we have verified that this modified proposal to change the word "and" to "or" in Special Condition 6 complies with, and is therefore authorized under the nationwide permits as published in the Federal Register. Please note applicant action required by special condition 4 to authorize the project. As indicated on the enclosed plans [Attachment B (10 pages)], the following work is authorized under NW14:

Place 831 cubic yards of fill material in a total of 11,454 square feet (1/4 acre) of wetlands adjacent to Lake Huron for the purpose of creating an access road to a residential housing subdivision. Road crossing areas: A1, 286' x 22'; A2 142' x 22'; A3, 57' x 16'; A4, 51' x 16'; Lot 10 driveway, 25' x 16' base width. The five (5) access road crossings in wetlands cover a total area of 0.26 acres.

This authorization is contingent upon compliance with the following terms and conditions:

- a. The enclosed nationwide permit(s) and the general conditions. [Attachment A]
- b. The following special conditions:

1. All fill shall consist of clean, inert materials from an upland source.
2. Material shall not be placed in any locality or in any manner so as to impair surface water flow into or out of any wetland area.
3. Deposition of dredged/excavated materials and all earthwork operations shall be carried out in such a manner that soil erosion to any nearby water course are controlled and minimized, e.g. the use of straw bale barriers, silt fencing, or earthen berms around disturbed areas to prevent soil from leaving the construction site, the use of temporary dikes or bulkheads for separation and retention of settleable solids, and the placement of vegetative cover as soon as conditions allow on dredged/excavated material.
4. The permittee acknowledges that this permit allows reasonable use of the property, and in consideration for this, a subunit of the property denoted as the preserved area on attached drawings will remain in its natural undisturbed condition in perpetuity and not be subject to any alteration of vegetation, soils, or hydrology by the permittee and any heirs or assigns, unless any required Corps permits for such action are received. The permittee shall take such action as may be necessary to ensure that this permit is recorded with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property. The permittee shall provide proof of recording (copy with Liber and Page No.) of the permit to this office within 30 days of issuance. Work shall not take place until this office has reviewed the proof and provided a written notice to proceed.
5. This permit, with attached Restriction of Land Use Agreement with diagrams of lots depicting preserved wetland areas, applies to all property containing wetlands within the Pt. Aux Barques Beach Club subdivision boundaries, including but not limited to lots depicted on the attached site plans as numbers: 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 42.
6. All of the wetland boundary on the permittee's property shall be flagged and surveyed by the permittee. Prior to the sale of any lot or commencement of any construction on any lot that contains wetlands, the boundary of the wetland areas shall be protected by the placement of a permanent barrier, such as open fencing that is not a barrier to wildlife, or permanent signage on the upland portion of the lot identifying the wetland area boundary.

Any construction activity other than that shown on the plans may not qualify for the authorization. If you contemplate any changes or additional activities from those depicted on the plans, please submit them to this office for authorization review prior to any construction. Upon completion of the work, fill in and return the enclosed COMPLETION REPORT.

This verification is valid for 2 years from the date of this letter unless the Nationwide Permit is modified, suspended, or revoked. If you have any questions on this matter, contact Patrick S. O'Connor at (313) 226-5383 and refer to File Number: 01-016-099-1.

Sincerely,

Wally Gauthier
Wally Gauthier
Chief, Permit Evaluation Branch B
Regulatory Office

Enclosures

Copy Furnished

MDEQ, Saginaw Bay District Office (01-32-45)
Saginaw Field Office, w/encl.
Waterwoods Development, Inc., James Rutkowski

Subscribed and sworn to before me this 2/24/03

County of Wayne, State of Michigan.

My Commission Expires: 2/9/04

DON C. ERWIN
Notary Public, Oakland County, MI
My Commission Expires Feb 9, 2004

Don C. Erwin
(NOTARY PUBLIC)

Valerie R. Henderson
(WITNESS)

[Signature]
(WITNESS)

Prepared by: Patrick S. O'Connor U.S. Army Engineer District, Box 1027, Detroit Michigan 48231-1027

**DECLARATION OF RESTRICTION
ON LAND USE**

THIS DECLARATION is made this date, 3-14-03, by Pte. Aux Barques Development, Inc. a Michigan corporation, whose address is 2732 Arrowwood Court, Sterling Heights, Michigan 48314 (the "Owner").

Owner is the title holder of certain property located in Section 29, T19N, R13E, Port Austin Township, Huron County, Michigan on Hellems Road described on attached Exhibit "A" [metes and bounds description] and which property is referred to herein as the "Property."

The Property contains areas which have been identified as "waters of the United States, including wetlands," as defined in regulations promulgated pursuant to Section 404 of the Clean Water Act (33 CFR 328.3(b)), and

Owner desires to obtain reasonable use of the Property by placing fill for wetland road crossings and a housing development on a portion of the Property, but any such residential housing requires certain improvements being constructed in portions of the waters of the United States. The improvements include placing fill material for road crossings in wetlands, which require a Department of the Army permit. The locations of the improvement areas are shown on the sketches attached hereto as Exhibit "B," and Owner has agreed to voluntarily restrict any activities in wetland areas on the Property, as shown on the sketches attached, and depicted thereon as "Preserved Area" on sheets 1 and 2 and as shaded areas on sheets 3 through 10, and

Owner has agreed to minimize detriments to wetland resources in the Preserved Area remaining outside the improvement areas in exchange for and as a condition of authorization of the improvements by the Corps.

Owner hereby declares and covenants that no discharging of dredged or fill material, dredging or other altering, modification or development of the Preserved Area shall be undertaken, and that it will ensure, to the best of its ability, that the vegetation, soils, and hydrology of the Preserved area shall remain in unaltered natural condition, unless any required Corps permits for such action are received.

The restriction and covenant created herein shall be perpetual, and shall be binding upon the Owner and their legal representatives, heirs, and assigns. The Corps and its successors and designees, shall have the right to enforce any of the provisions contained herein against the Owner and their legal representatives, heirs, and assigns.

IN WITNESS WHEREOF, the undersigned, being the Owner herein, have executed this instrument on the day set forth above.

Pta. Aux Barques Development, Inc.
a Michigan corporation

By:

William L. Serra

William L. Serra, President

WITNESSES:

STATE OF MICHIGAN)
COUNTY OF Huron) ss.

On this The foregoing instrument was acknowledged before me, a notary public in and for said county, by William L. Serra, the President of the Pta. Aux Barques Development, Inc., a Michigan corporation, on behalf of the corporation.

Elizabeth A. Polega
Notary Public, Huron County, Michigan
My Commission Expires 11-5-05

ELIZABETH A. POLEGA
Notary Public, Huron County, MI
My Commission Expires Nov 5, 2005

EXHIBIT A

The Property

Commencing at the NE corner of fractional Section 29, T19N, R13E, Port Austin Township, Huron County, Michigan; thence $S00^{\circ}13'27''E$ 660.32 feet along the East line of said fractional Section 29; thence $S88^{\circ}44'40''W$ 2322.77 feet; thence $N00^{\circ}00'00''E$ 150.00 feet parallel with the N-S 1/4 line of said Section 29; thence $S88^{\circ}44'40''W$ 300.00 feet; thence $N00^{\circ}00'00''E$ 45.25 feet along the N-S 1/4 line of said Section 29; thence $N33^{\circ}27'00''E$ 110.94 feet; thence $N26^{\circ}56'00''W$ 135.00 feet; thence $N00^{\circ}00'00''E$ 243.98 feet along the N-S 1/4 line of said Section 29; thence $N88^{\circ}33'53''E$ 2620.38 feet along the North line of said fractional Section 29 to the point of beginning. Subject to easements and rights of way of record.

EXHIBIT B
Improvement Areas

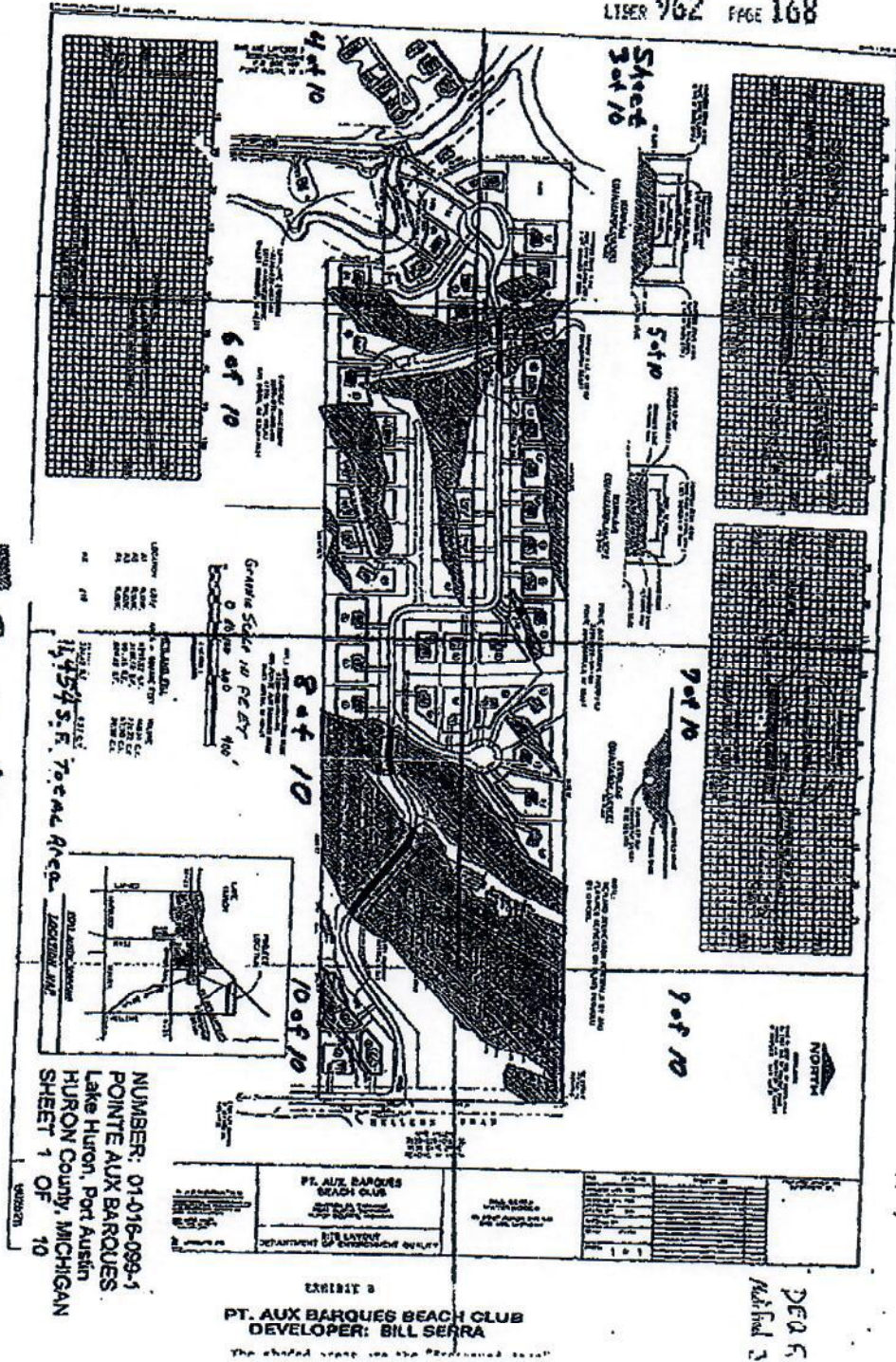
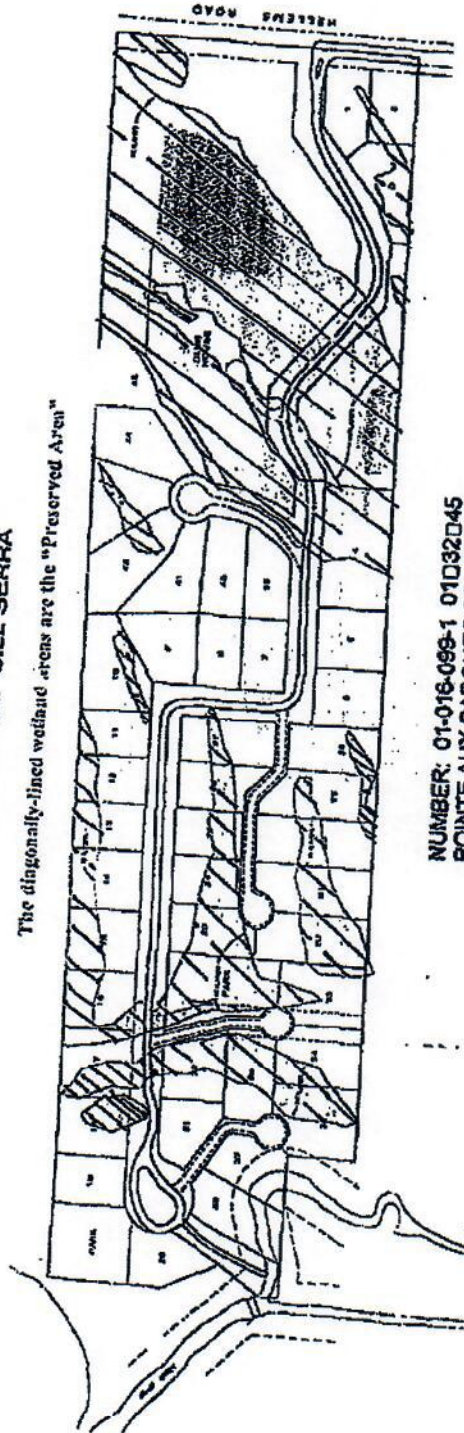


EXHIBIT B

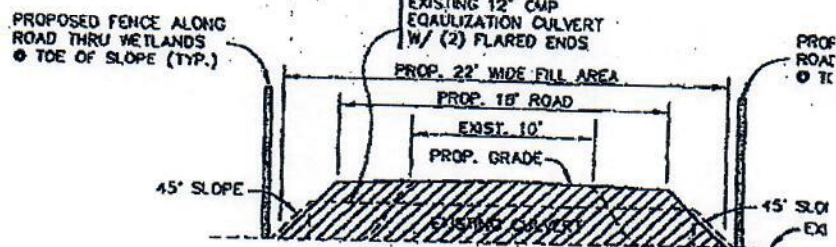
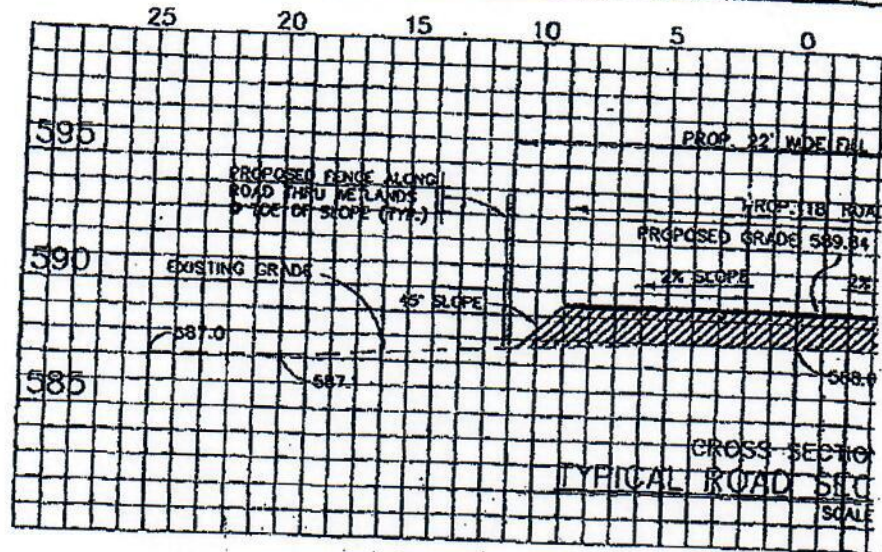
PT. AUX BARQUES BEACH CLUB
DEVELOPER: BILL SERRA

The diagonally-lined wetland areas are the "Preserved Area"



NUMBER: 01-016-099-1 01D32D45
POINTE AUX BARQUES DEVELOPMENT
Lake Huron, Port Austin
HURON County, MICHIGAN
SHEET 2 OF 10

EXHIBIT "B"



NUMBER: 01-016-099-1 01032045
 POINTE AUX BARQUES DEVELOPMENT
 Lake Huron, Port Austin
 HURON County, MICHIGAN
 SHEET 3 OF 10

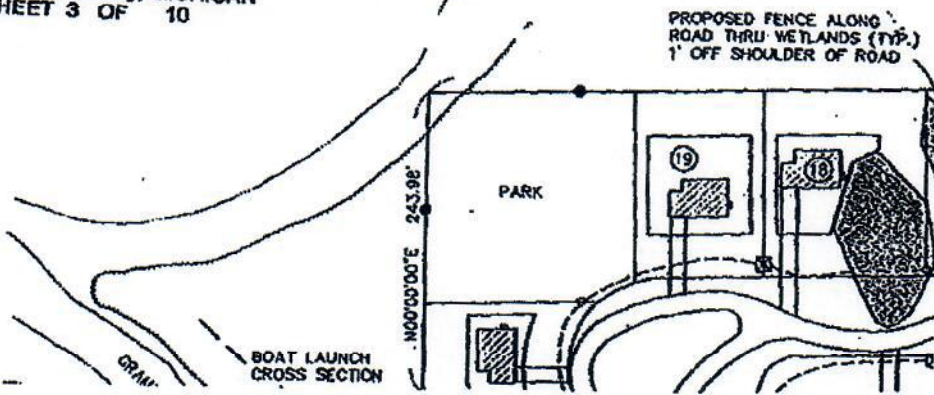


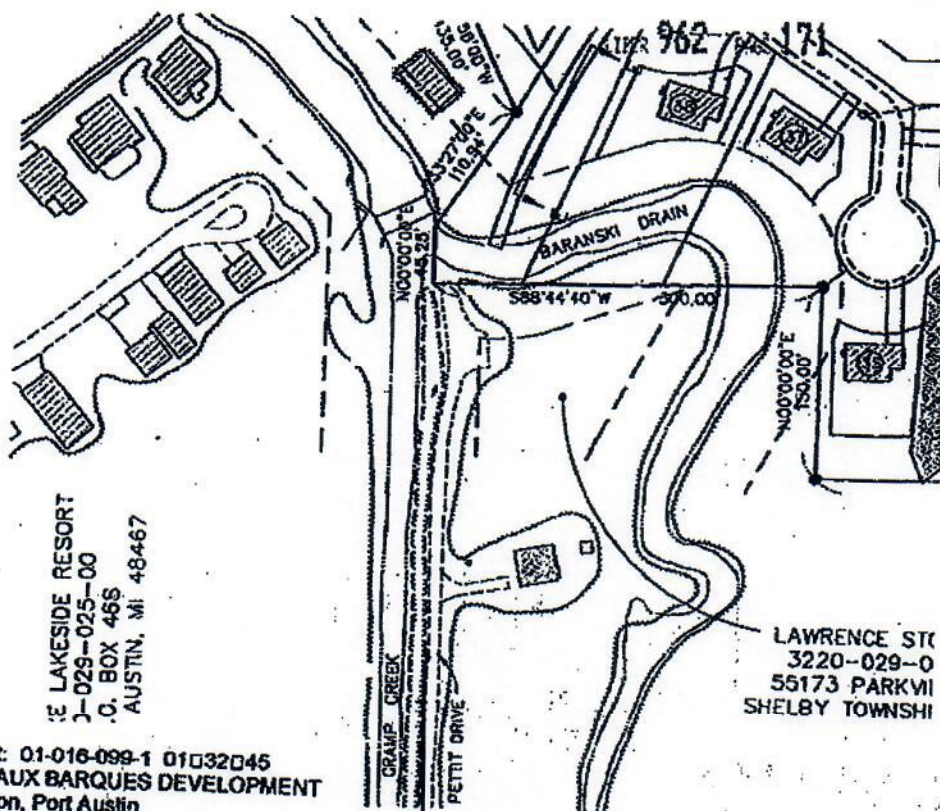
EXHIBIT "B"

E LAKESIDE RESORT
J-029-025-00
P.O. BOX 466
AUSTIN, MI 48467

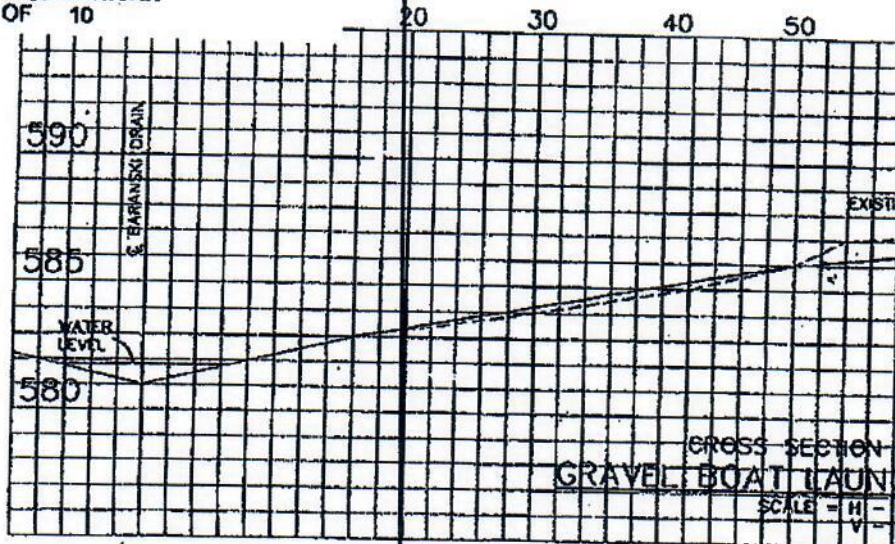
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POINTE AUX BARQUES DEVELOPMENT
Lake Huron, Port Austin
HURON County, MICHIGAN
SHEET 4 OF 10

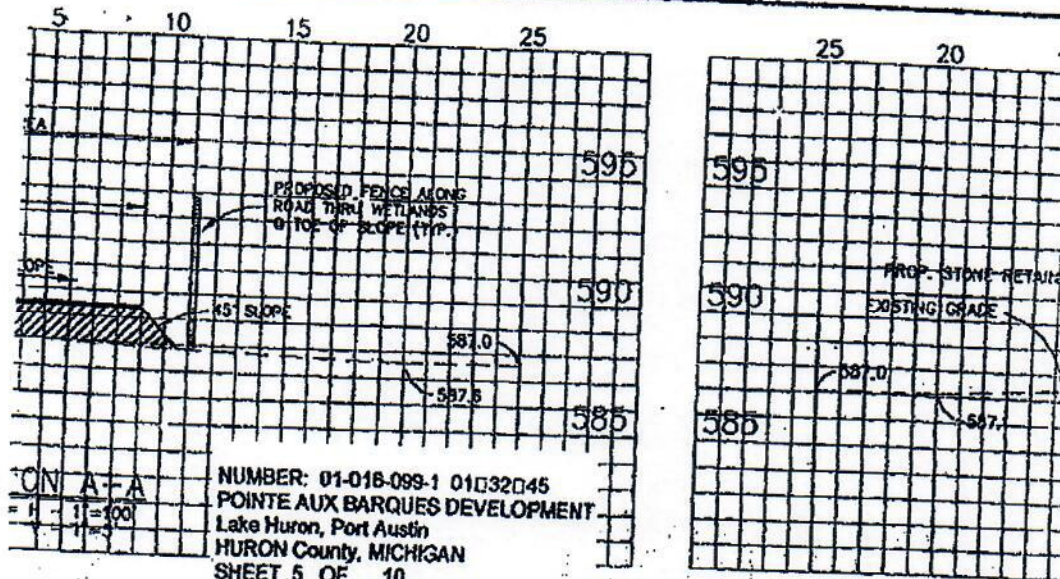
RC ASSOCIATES, INC.

NOT PUBLISHED: ALL RIGHTS RESERVED.



LAWRENCE ST
3220-029-0
55173 PARKVIEW
SHELBY TOWNSHIP



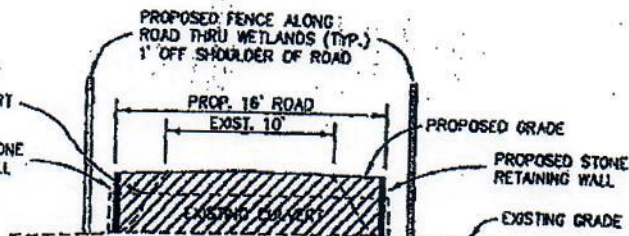


PROPOSED FENCE ALONG ROAD THRU WETLANDS 0' TOE OF SLOPE (TYP.)

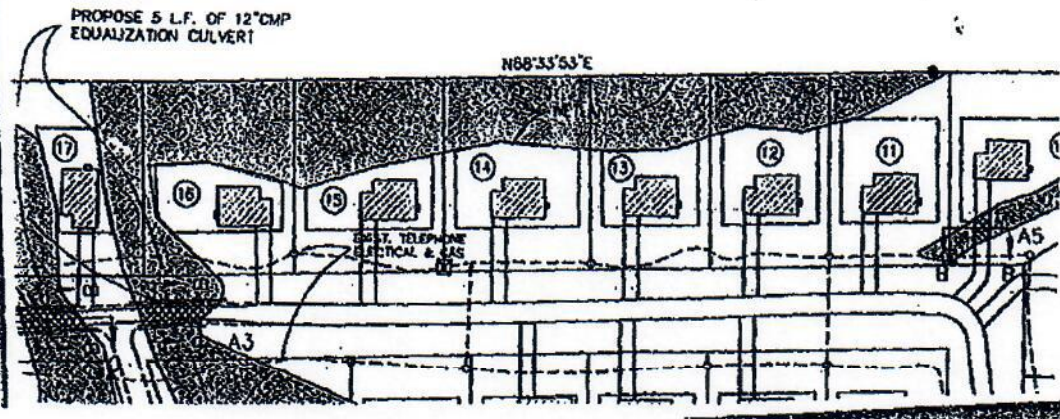
EXISTING 12" CMP
 EQUALIZATION CULVERT

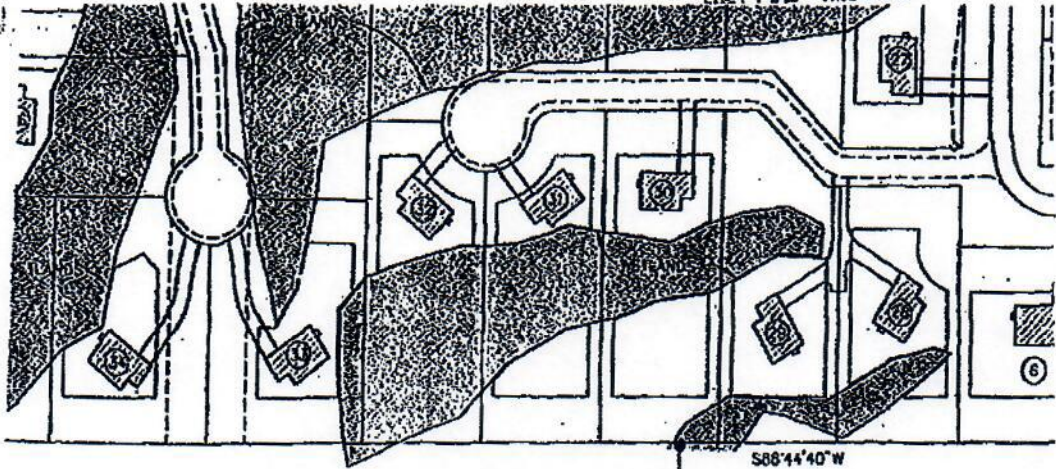
PROPOSED STONE
 RETAINING WALL

EXISTING GRADE



SECTION B-B
 POINTE AUX BARQUES INCORPORATED
 3220-029-001-00
 EQUALIZATION CULVERT
 NO SCALE



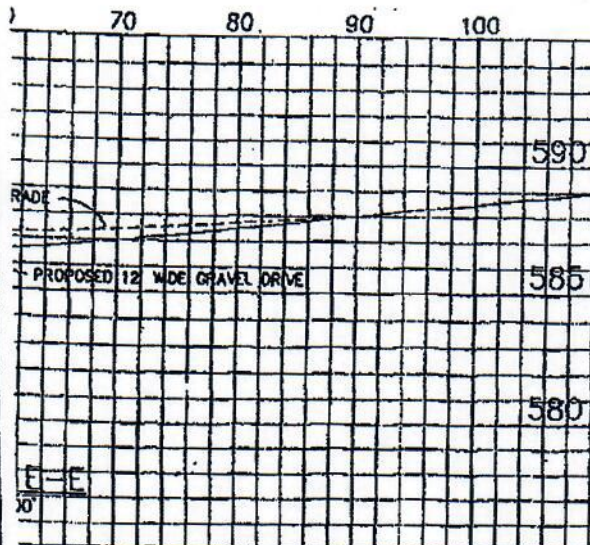


588'44"10"W

KOSKI
-00
DRIVE
MI 48316

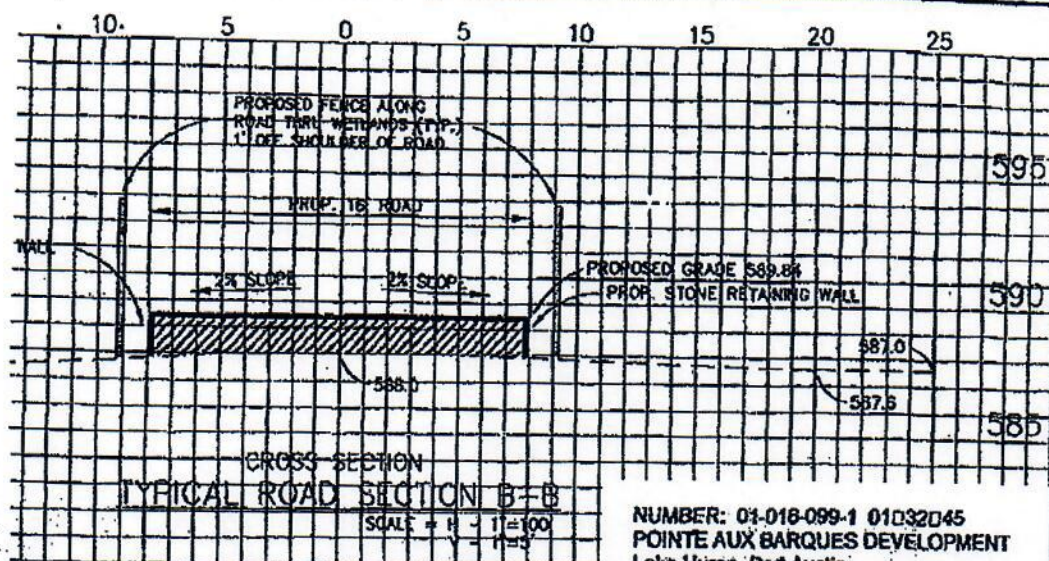
BARBARA JAMAEEDIN
3220-029-008-00
11738 VAIL COURT
SAN DIEGO, CA 92131-3824

NUMBER: 01-018-099-1 01032045
POINTE AUX BARQUES DEVELOPMENT
Lake Huron, Port Austin
HURON County, MICHIGAN
SHEET 8 OF 10

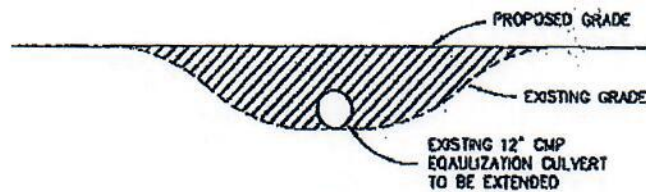


LOCATION	LOT#
A1	R.O.W.
A2	R.O.W.
A3	R.O.W.
A4	R.O.W.
A5	#10

EXHIBIT "B"

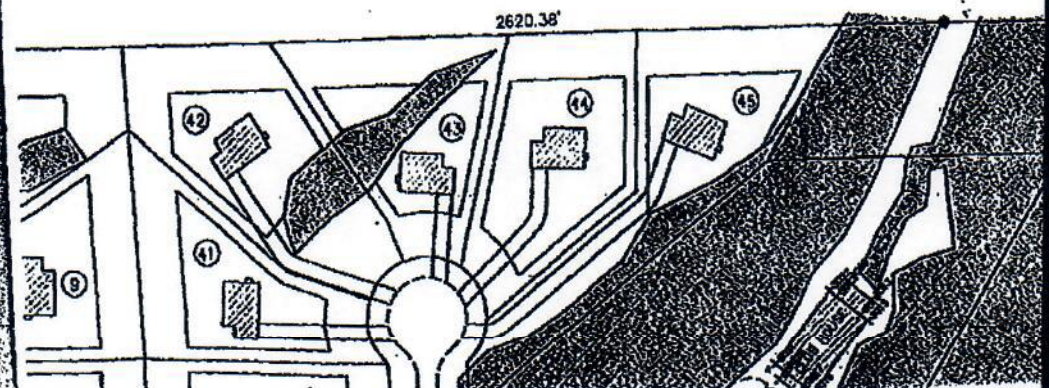


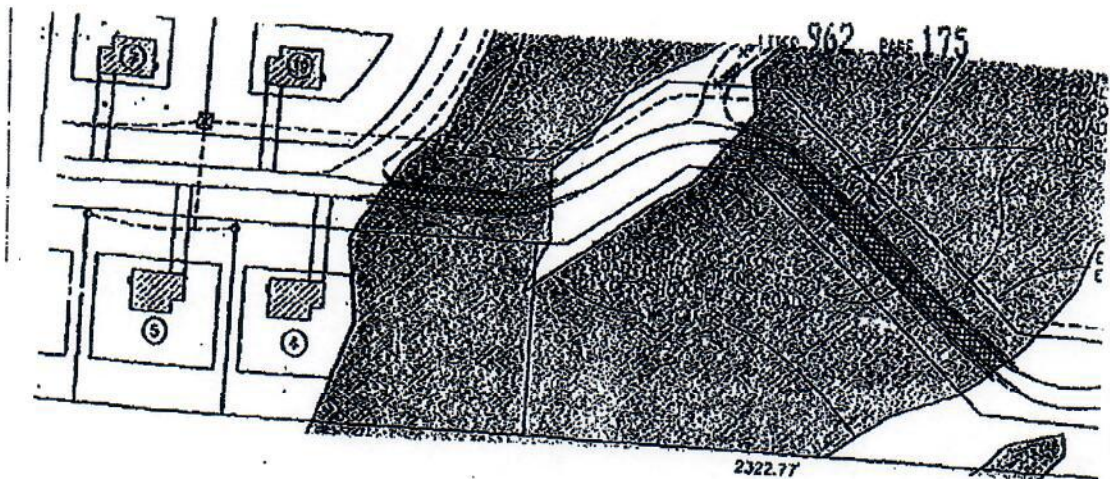
NUMBER: 01-018-099-1 01D32D45
 POINTE AUX BARQUES DEVELOPMENT
 Lake Huron, Port Austin
 HURON County, MICHIGAN
 SHEET 7 OF 10



SECTION C-C
 EQUALIZATION CULVERT
 NO SCALE

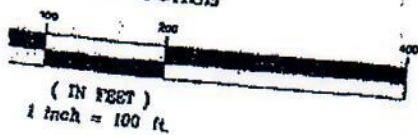
NOTE:
 WETLAND DELINEATE
 FEATURES DEPICTED
 BY OTHERS.





PORT AUSTIN CONSERVATION CLUB
3220-029-041-00
895 POINTE AUX BARQUES ROAD
PORT AUSTIN, MI 48467

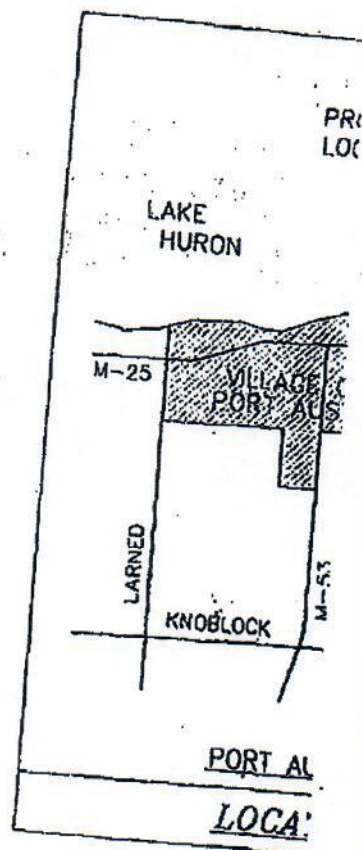
GRAPHIC SCALE



NUMBER: 01-016-099-1 01032045
POINTE AUX BARQUES DEVELOPMENT
Lake Huron, Port Austin
HURON County, MICHIGAN
SHEET 8 OF 10

WETLAND FILL

EA - SQUARE FEET	VOLUME
6292.72 S.F.	466.14 C.Y.
3128.15 S.F.	231.72 C.Y.
907.15 S.F.	67.20 C.Y.
804.42 S.F.	59.59 C.Y.
321.49 S.F.	6.22 C.Y.
11453.93 S.F.	830.87 C.Y. TOTALS

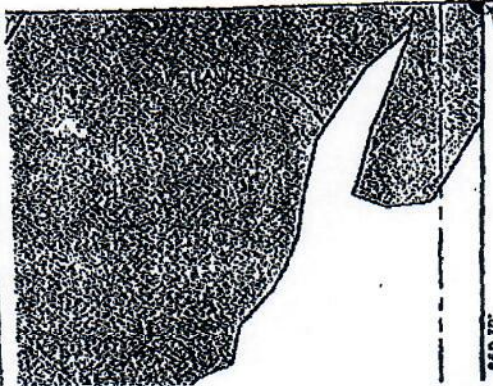


**BENCH MARK**

SPIKE IN WEST SIDE OF POWER POLE
ON EAST SIDE OF HELLEMS ROAD
APPROX. 180' NORTH OF SE CORNER
OF PROPERTY. ELEV. 596.39

NUMBER: 01-016-099-1 01E32D45
POINTE AUX BARQUES DEVELOPMENT
Lake Huron, Port Austin
HURON County, MICHIGAN
SHEET 9 OF 10

PERFORMED BY AND
PLANS PROVIDED



NE CORNER
SECTION 29,
T19N-R13E

ROAD

660.32'

3-00
RVE
9274

PREPARED UNDER THE
SUPERVISION OF:

PROJECT LOG

FILE: 32-19-03

PROJECT MGR: RDS

DESIGNED BY: RLB

DRAWN BY: MAH

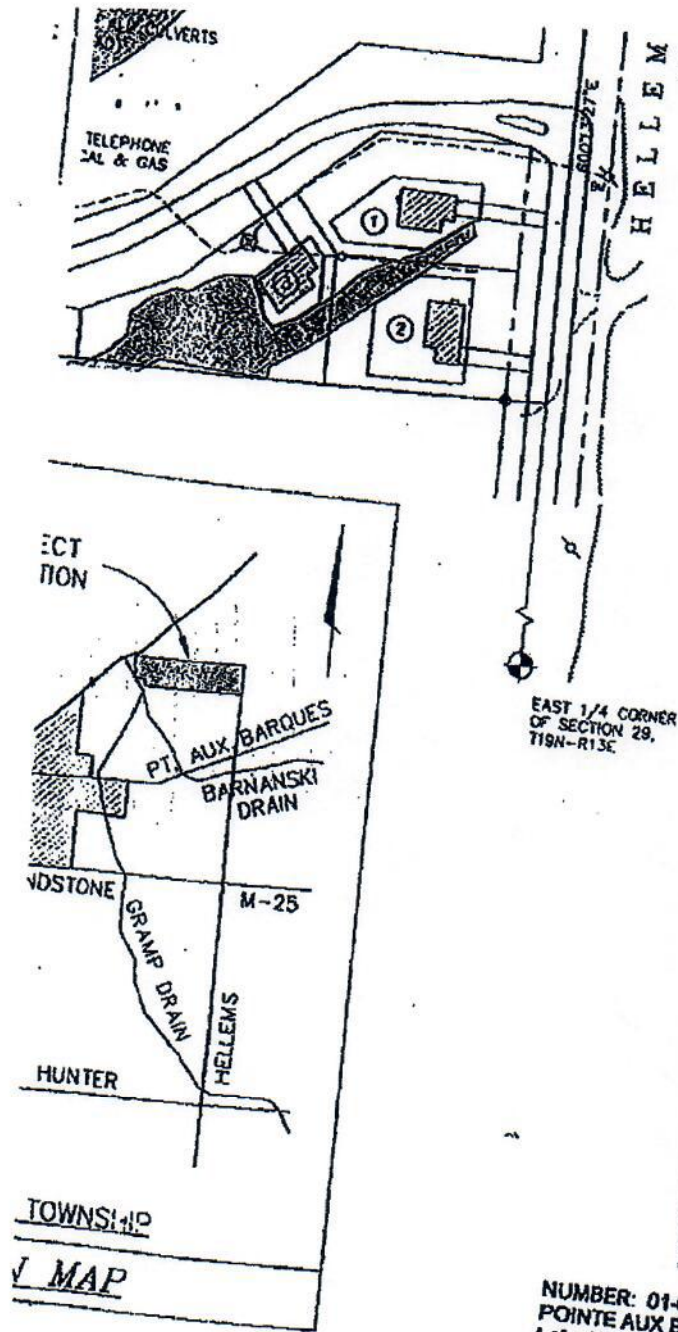
CHECKED BY:

SCALE: 1"=100'

SHEET: 1 OF 1

BILL SERRA
WATERWOODS

101 WEST HURON AVENUE
BAD AXE, MICHIGAN



MIKE
3220-C
9600 C
READING

LIBER 962 PAGE 17
**PT. AUX. BARQUES
BEACH CLUB**
SECTION 29 T19N-R13E
PORT AUSTIN TOWNSHIP
HURON COUNTY, MICHIGAN

**SITE LAYOUT
DEPARTMENT OF ENVIRONMENT QUALITY**

OSMINSKI & ASSOCIATES
CIVIL, MECHANICAL, ELECTRICAL, STRUCTURAL, GEOTECHNICAL,
ENVIRONMENTAL, TRAFFIC AND TRANSPORTATION ENGINEERING,
ARCHITECTURE, SURVEYING, CONSTRUCTION MANAGEMENT,
INTERIOR DESIGN, COMPUTER CONSULTING
250 E. HURON AVENUE
SAC AND M. 4040
BROWN OY 40416
PA 317-280-9001
8534 HURON VALLEY
BROWN OY 40416
810-344-2500
A DIVISION OF RC ASSOCIATES INC.

NUMBER: 01-016-099-1 01D32045
POINTE AUX BARQUES DEVELOPMENT
Lake Huron, Port Austin
HURON County, MICHIGAN
SHEET 10 OF 10

EXHIBIT 'B'

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NATIONWIDE PERMIT COMPLETION REPORT
Detroit District, Corps of Engineers

CELRE-RG-B 01-016-099-1

LITER 962 PAGE 178

Commander
U.S. Army Engineer District, Detroit
ATTN: Regulatory Office
P.O. Box 1027
Detroit, Michigan 48231-1027

Dear Mr. Serra:

This is in regard to Department of the Army File No. 01-016-099-1, issued to Pointe Aux Barques Development, Inc. on September 19, 2002, to place fill material in wetlands for road crossings in wetlands adjacent to Lake Huron at Port Austin, Michigan. I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the permit, and mitigation (if required) was completed in accordance with the permit conditions.

The work was completed on: _____
Date work completed)

(Signature of Permittee)

(Date)

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the above address, within 10 days after completion of work.

Please note that your permitted activity is subject to compliance inspection by the U.S. Army Corps of Engineers' representatives. If you fail to comply with this permit you are subject to permit suspension, modification or revocation.