

2019 FEB 25 PM 2:53



20190225-0012187

Lisa Posthumus Lyons P:1/9 2:55PM
Kent Cnty MI Rgstr 02/25/2019 SEAL

DECLARATION OF RESTRICTIVE COVENANTS AND CONDITIONS

This Declaration of Restrictive Covenants and Conditions (this “**Declaration**”) is made this 25th day of February, 2019, by Nicholas L. VanVorst of 6723 Chapin Avenue SE, Alto, Michigan, 49302 (“**Declarant**”).

RECITALS

A. Declarant owns certain real property located in Caledonia Township, Kent County, Michigan, legally described on the attached Exhibit A, consisting of six (6) residential lots (individually a “**Lot**” and collectively the “**Lots**”) labeled as Lots “C” through “H” on the attached Exhibit A.

B. Declarant desires to impose upon and make the Lots subject to certain covenants, conditions and restrictions in order to insure their development as a desirable residential area; to prevent any use thereof which might tend to diminish their value; and to assure the harmony, attractiveness and utility thereof.

C. Declarant desires that the Lots shall be held, sold, conveyed and otherwise transferred subject to the covenants, conditions and restrictions (as may be amended from time to time), as set forth herein, which shall run with the land and each Lot therein, and which shall be binding upon and inure to the benefit of all parties having any right, title or interest in any Lot, their heirs, successors and assigns.

DECLARATION

1. All Lots shall be sold or conveyed to individual purchasers and shall be used exclusively for single-family residential purposes. Except as specifically permitted herein, permitted structures on any Lot shall include only one (1) detached single-family dwelling, which may include an attached garage, and outbuildings such as a shed as permitted under Caledonia Township zoning ordinances. All such outbuildings shall be similar in appearance and style to the home, including without limitation using the same siding and roofing. No part of any dwelling or other structure shall be used for any activity normally conducted as a business except as otherwise permitted by Caledonia Township ordinances.

2. A dwelling must have a minimum of the following square footage: For one (1) or one and a half (1-1/2) story dwellings - a minimum livable main floor area of 1,600 square feet; for dwellings of two (2) stories - a minimum livable floor area of 2,000 square feet; and for tri-level and/or quad-level dwellings - a minimum livable floor area of 1,600 square feet. The term “livable floor area” shall exclude garages, patios, decks, open porches, entrance porches,

terraces, storage sheds and the like, even if attached to the main dwelling. The term shall include enclosed porches if the roof of the porch forms an integral part of the roofline of the main dwelling. All garages must be attached or architecturally related to the dwelling. Carports are specifically prohibited. The front of a dwelling must face 60th Street except for Lot C, as shown and legally described on Exhibit A attached hereto, which may front either 60th Street or Buttrick Avenue.

3. No portion of the exterior of any building shall include slag, cinderblock or asbestos siding.

4. One (1) satellite dish no larger than three (3) feet by three (3) feet may be installed on a Lot.

5. Upon the completion of a dwelling on any of the Lots, the owner thereof shall, subject to all applicable municipal ordinances, cause the Lot owned by him or her to be finish graded and sodded and suitably landscaped as soon after completion as weather permits. All landscaping shall be of an aesthetically pleasing nature and shall be well maintained at all times. Notwithstanding anything to the contrary herein, basic landscaping, including finish grading and the laying of sod, must be completed within twelve (12) months of substantial completion of new construction.

6. No animals, farm animals or fowl (except a reasonable number of domesticated household pets) shall be kept or maintained on any Lot, and household pets shall be confined to the Lot. No dog kennels or animal runs shall be permitted on any Lot.

7. No mobile home, manufactured home, trailer, shack, or other similar outbuilding or structure shall be placed on any Lot at any time, either temporarily or permanently. Plans for swimming or bath houses must be specifically approved by Caledonia Township.

8. Each Lot is permitted to have on site a reasonable number of boats, campers, or other recreational vehicles (in addition to passenger vehicles); provided, however, that no such item shall be stored outside year round, but rather must be stored off-site or in a suitable private garage (which is built in accordance with the restrictions set forth herein) in the off season; and provided further that all items on site must be located in areas of the Lot that do not interfere with adjacent Lot owners use of their Lots. Commercial vehicles are permitted only if used in connection with an owner's occupation. Semi-trucks, semi-trailers and aircraft are not permitted on any Lot. The provisions of this paragraph shall not apply to any builder who is constructing a dwelling upon a Lot and is then using such item in connection with the construction.

9. It shall be the sole responsibility of each Lot owner to take all steps necessary to prevent his or her Lot and any dwelling, improvements and/or structures located thereon from becoming unsightly or unkempt or from falling into a state of disrepair so as to decrease the beauty and value of the neighborhood.

10. No noxious or offensive activity shall be carried on upon any Lot nor shall anything be done thereon tending to cause embarrassment, discomfort, annoyance or nuisance to the neighborhood. There shall not be maintained any animals or device or thing of any sort



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whose normal activities or existence is in any way noxious, noisy, dangerous, unsightly, unpleasant or of a nature as may diminish or destroy the reasonable enjoyment of other property in the neighborhood.

11. The use of any B-B guns, air rifles, pellet guns, sling-shot or similar type of weapon is prohibited on or in any of the Lots.

12. The stockpiling and storage of building and landscaping materials and/or equipment shall not be permitted on any Lot except if such materials and/or equipment may be used within a reasonable length of time, but in no event shall the storage of landscape material extend for a period of more than thirty (30) days. This paragraph shall not apply to any builder who is constructing a dwelling on any Lot.

13. The provisions of this Declaration shall run with and bind the land and bind owners of the Lots described in Exhibit A. Lot owners and their heirs, personal representatives, successors and assigns acknowledge and agree that they fully release, discharge and hold harmless Declarant from any and all costs, losses, claims, demands, charges, fees and liabilities of any type or nature whatsoever arising out of or relating in any way to this Declaration.

14. This Declaration shall not be amended or modified in any manner without the express written consent of all the Lot owners. Any consent must be recorded with the Kent County Register of Deeds to be effective.

Nicholas L. VanVorst

STATE OF MICHIGAN)
) ss
COUNTY OF KENT)

The foregoing instrument was acknowledged before me this 25th day of February, 2019, by Nicholas L. VanVorst who is either personally known to me or who has produced his Michigan drivers' license as identification, and who appeared before me and acknowledged signing this document.

S. J. BOWDEN
NOTARY PUBLIC, STATE OF MI
COUNTY OF KENT
MY COMMISSION EXPIRES Nov 10, 2021
ACTING IN COUNTY OF Kent

SJ Bowden
Notary Public, Kent County, MI
Acting in Kent County
My commission expires: 11/10/2021

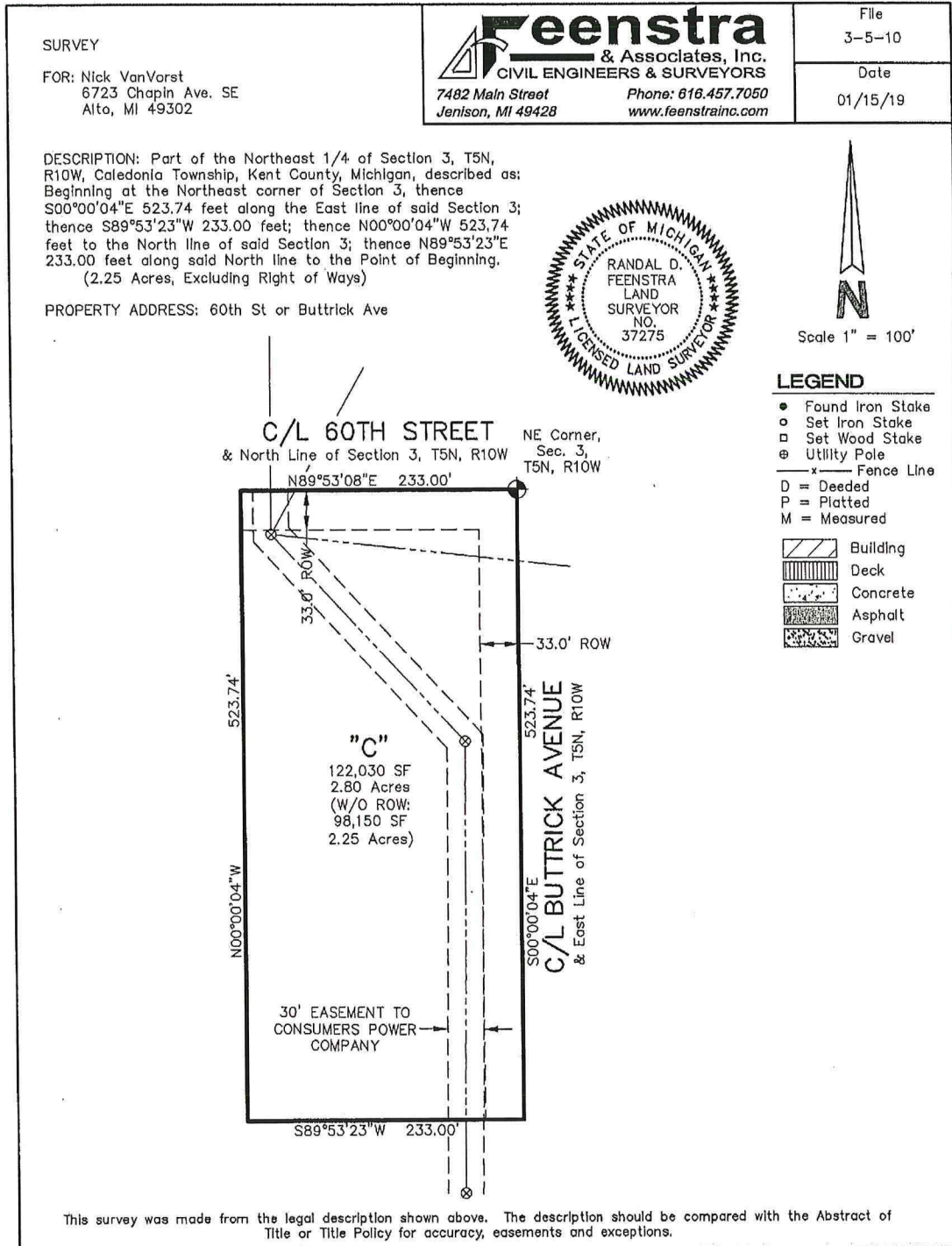
Drafted By and After Recording Return To:

Ingrid A. Jensen
Clark Hill PLC
200 Ottawa Ave. NW, Suite 500
Grand Rapids, MI 49503

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EXHIBIT A





20190225-0012187

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SURVEY

FOR: Nick VanVorst
6723 Chapin Ave. SE
Alto, MI 49302



File
3-5-10

Date
01/15/19

DESCRIPTION: Part of the Northeast 1/4 of Section 3, T5N, R10W, Caledonia Township, Kent County, Michigan, described as: Commencing at the Northeast corner of Section 3; thence S89°53'23"W 233.00 feet along the North line of said Section 3 to the Point of Beginning; thence continuing along said North line S89°53'23"W 200.00 feet; thence S00°00'04"E 523.74 feet; thence N89°53'23"E 200.00; thence N00°00'04"W 523.74 feet to the Point of Beginning.
(2.25 Acres, Excluding Right of Ways)

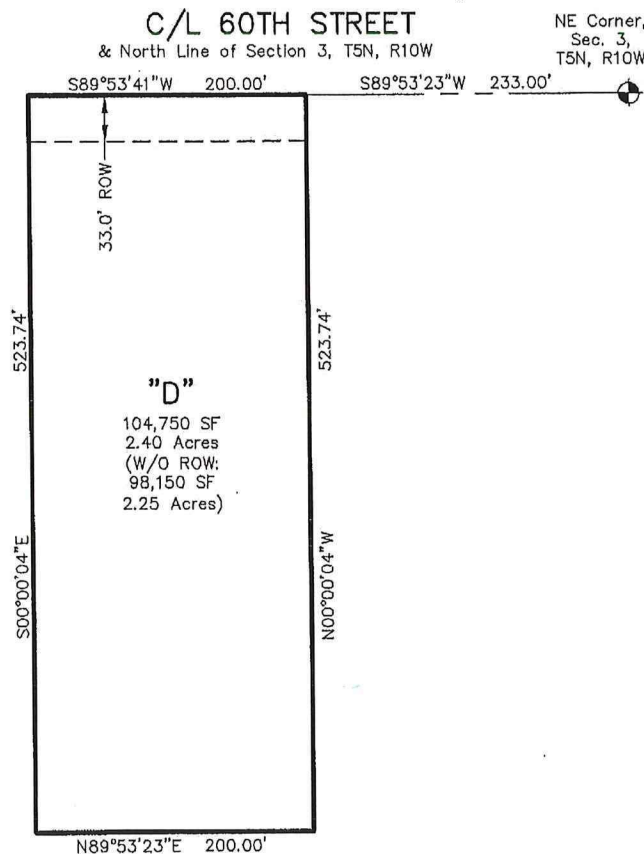
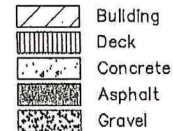
PROPERTY ADDRESS: 60th St



Scale 1" = 100'

LEGEND

- Found Iron Stake
- Set Iron Stake
- Set Wood Stake
- ⊕ Utility Pole
- x--- Fence Line
- D = Deeded
- P = Platted
- M = Measured



This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.



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SURVEY

FOR: Nick VanVorst
6723 Chaplin Ave. SE
Alto, MI 49302

Feenstra
& Associates, Inc.
CIVIL ENGINEERS & SURVEYORS
7482 Main Street Phone: 616.457.7050
Jenison, MI 49428 www.feenstrainc.com

File
3-5-10

Date
01/15/19

DESCRIPTION: Part of the Northeast 1/4 of Section 3, T5N, R10W, Caledonia Township, Kent County, Michigan, described as: Commencing at the Northeast corner of Section 3; thence S89°53'23"W 433.00 feet along the North line of said Section 3 to the Point of Beginning; thence continuing along said North line S89°53'23"W 200.00 feet; thence S00°00'04"E 523.74 feet; thence N89°53'23"E 200.00; thence N00°00'04"W 523.74 feet to the Point of Beginning.
(2.25 Acres, Excluding Right of Ways)

PROPERTY ADDRESS: 60th St

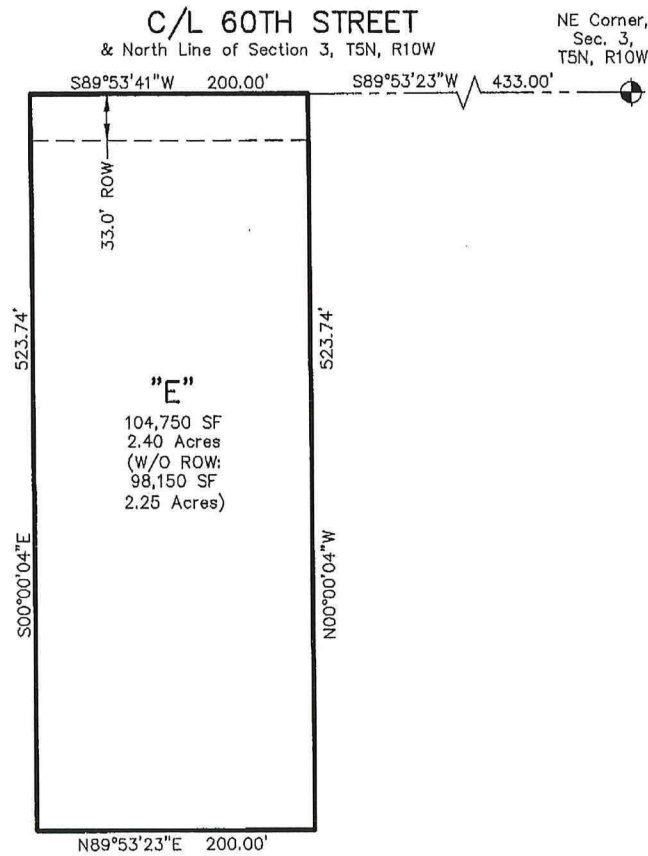


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DESCRIPTION: Part of the Northeast 1/4 of Section 3, T5N, R10W, Caledonia Township, Kent County, Michigan, described as: Commencing at the Northeast corner of Section 3; thence S89°53'23"W 633.00 feet along the North line of said Section 3 to the Point of Beginning; thence continuing along said North line S89°53'23"W 200.00 feet; thence S00°00'04"E 523.74 feet; thence N89°53'23"E 200.00; thence N00°00'04"W 523.74 feet to the Point of Beginning.
(2.25 Acres, Excluding Right of Ways)

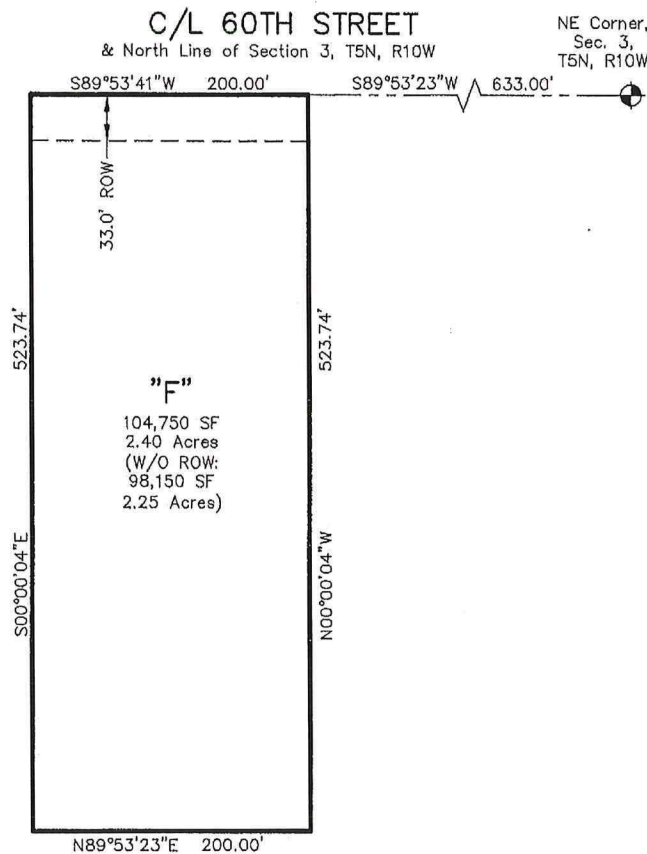
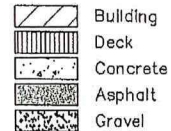
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Jenison, MI 49428 www.feenstralnc.com

File
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Date
01/15/19

DESCRIPTION: Part of the Northeast 1/4 of Section 3, T5N, R10W, Caledonia Township, Kent County, Michigan, described as: Commencing at the Northeast corner of Section 3; thence S89°53'23"W 833.00 feet along the North line of said Section 3 to the Point of Beginning; thence continuing along said North line S89°53'23"W 200.00 feet; thence S00°00'04"E 523.74 feet; thence N89°53'23"E 200.00; thence N00°00'04"W 523.74 feet to the Point of Beginning.
(2.25 Acres, Excluding Right of Ways)

PROPERTY ADDRESS: 60th St

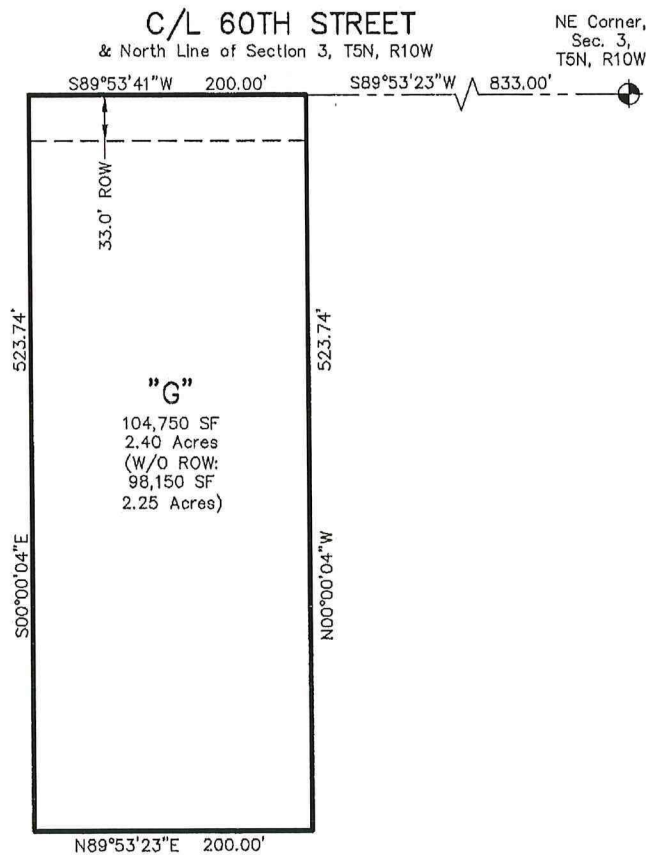


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(3.37 Acres, Excluding Right of Ways)

PROPERTY ADDRESS: 60th St

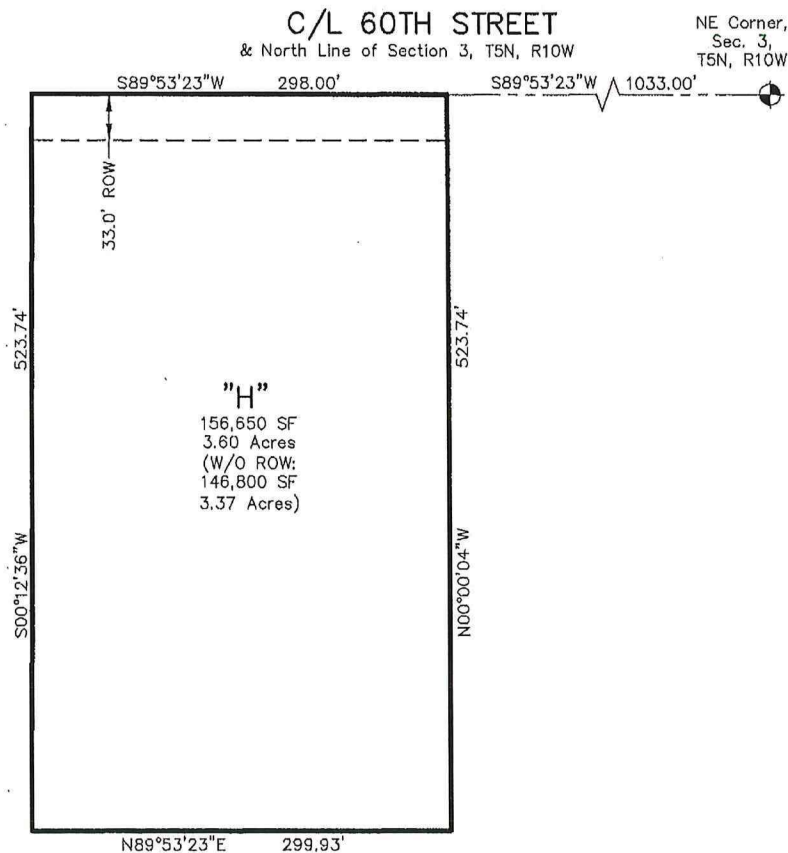


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