

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 18, 2007
ADOPTED MINUTES
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1. CALL TO ORDER

The regular meeting of the Superior Charter Township Board was called to order by the Supervisor at 7:30 p.m. on June 18, 2007, at the Superior Township Hall, 3040 North Prospect, Ypsilanti, Michigan.

2. PLEDGE OF ALLEGIANCE

The Supervisor led the assembly in the pledge of allegiance to the flag.

3. ROLL CALL

The members present were William McFarlane, Kay Williams, Brenda McKinney, Rodrick Green, Lisa Lewis, and David Phillips. Nancy Caviston was absent.

4. ADOPTION OF AGENDA

It was moved by McKinney, supported by Green, to adopt the agenda as presented.
The motion carried.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF JUNE 4, 2007

It was moved by McKinney, supported by Green, to approve the minutes of the regular Board meeting of June 4, 2007, as presented.

The motion carried.

6. CITIZEN PARTICIPATION

**A. PUBLIC HEARING – HYUNDAI SPECIAL ASSESSMENT
DISTRICT IMPROVEMENTS**

It was moved by McKinney, supported by Lewis, that the Public Hearing on the Hyundai Special Assessment District Road and Utility Improvements be opened.

The motion carried.

Mark Torigian representing Hyundai said the company is seeking a three-party agreement with the Township and the Washtenaw County Road

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Commission for the construction of the public improvements along Geddes and Leforge roads. This is necessary because the cost of the project is approximately \$2,259,600 and Hyuandi has stated they have only budgeted \$1,000,000. Therefore, Hyundai is requesting that a special assessment district be established to fund the balance between the project cost and the \$1,000,000. He said that a meeting has been scheduled between the Township Attorney, the Road Commission Attorney, and himself on June 20, to work out the details of the proposed amendment to the Road Agreement between the Road Commission, Hyundai and Superior Township.

No one else spoke at the hearing.

It was moved by Williams, supported by McKinney, that the Public Hearing be closed.

The motion carried.

B. OTHER CITIZEN CONCERNS

No other citizens spoke on a non-agenda item.

7. REPORTS

A. SUPERVISOR

The Supervisor reported on six items:

1. Allied Waste is still having trouble picking up the garbage in a timely manner. The new general manager is trying to fix the problem. The bids on the new five-year contract are due June 28.
2. On April 16 the Board held a hearing on putting up an entrance sign at Geddes Ridge Subdivision. Half the people present were against it, and the half that were supportive wanted the sign at the entrances on Andover and Ascot, which are on private property. No one has called wanting a sign since. The real problem seems to be finding the entrance roads at night. Green suggested that a light at the intersection of Andover and Geddes would help. McFarlane said that there were no accidents at the intersection and it did not warrant a light. Lewis suggested that it might be proactive to put a light there anyway. Williams said that the problem may be solved by reflective material on the street sign.

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Sheriff Sergeant Paul Cook suggested reflective paint on the curbs might help.

3. McFarlane is getting bids to fix the north parking lot at the Township Hall and will have those bids for the July 2 meeting.
4. The collaboration with Ann Arbor Township for police services has started again and seems to be working well. Sergeant Cook was instrumental in getting the system to work.
5. The regional police study has begun and the report should be finished in November.
6. The County has been holding meetings on the implementation of the 2008-2009 police services contract. The first meeting was held last week here at the Township Hall.

B. DEPARTMENT REPORTS: FIRE DEPARTMENT, BUILDING DEPARTMENT, DISTRICT LIBRARY, ORDINANCE OFFICER, SHERIFF DEPARTMENT

It was moved by Williams, supported by Lewis, that the Fire Department report for May, Building Department for May, the District Library report for May, the Ordinance Officer report for May/June, and the Sheriff Department Report be received.

Sergeant Paul Cook was present to discuss the report and answer questions.

The motion carried.

C. FINANCIAL STATEMENTS

It was moved by McKinney, supported by Green, that the April 2007 Financial Statements for all funds be received.

The motion carried.

8. COMMUNICATIONS

There were none.

9. UNFINISHED BUSINESS

A. ORDINANCE 134-47 – WIRELESS REGULATIONS – FINAL READING

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At the June 4 meeting of the Board adopted for first reading the proposed ordinance with the provision that the Zoning Official will review the request made at the Public Hearing of the Planning Commission that TV antennas also be exempt from the height requirement and submit a minor change to the proposed ordinance for second reading. That has been done and is incorporated in the final version.

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board adopt the following ordinance for final reading:

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE NO. 147

[AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF SUPERIOR CHARTER TOWNSHIP BY AUTHORITY OF PUBLIC ACT 110 OF 2006 (BEING MCL 125.3101 ET. SEQ., AS AMENDED), BY AMENDING SECTION 2.03 (DEFINITIONS), SECTION 3.10 (NON-COMMERCIAL RADIO AND TELEVISION ANTENNAE; SATELLITE DISHES), SECTION 4.04 (DENSITY AND HEIGHT REGULATIONS), AND SECTION 5.03 (COMMERCIAL COMMUNICATIONS TOWERS) TO CONSOLIDATE AND UPDATE THE DEFINITIONS, STANDARDS, AND APPROVAL PROCEDURES FOR WIRELESS COMMUNICATION FACILITIES.]

**SUPERIOR CHARTER TOWNSHIP, WASHTENAW COUNTY,
MICHIGAN, HEREBY ORDAINS:**

**ARTICLE 2.0
DEFINITIONS**

[DELETE the definition of “commercial communication tower” in Section 2.03; DELETE and REPLACE the definition of “essential services”; and ADD a definition for “wireless communications facilities” and related sub-definitions, as follows]

SECTION 2.03 DEFINITIONS

Essential Services: The erection, construction, alteration, or maintenance by public or quasi-public utilities or municipal departments or Township-certified cable television companies. Included in this definition are towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment, which are necessary for safeguarding the general health, safety, and welfare of the public. Essential services shall not

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include storage yards, sales or business offices, commercial buildings or activities, private community wastewater systems (PCWS), or wireless communications facilities.

Wireless Communications Facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals including but not limited to radio and television transmission towers and antennae, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities.

1. **Antenna(e):** Equipment used for the transmission or reception of wireless communication signals.
2. **Amateur Radio Antenna:** An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use. Also referred to as “ham radio antenna.”
3. **Backhaul Network:** The lines, facilities, and equipment that connect a provider’s towers or antennae to switching offices, long-distance providers or public-switched telephone networks.
4. **Collocation:** The location of two (2) or more wireless telecommunication facilities on a common structure, tower or building.
5. **Ground Equipment:** Equipment used in the operation of the facility, other than antennae or towers, and the structure or enclosure within which the equipment is stored, maintained, and serviced.
6. **Provider:** Entity that is properly licensed by the Federal Communications Commission (FCC) and other appropriate governmental authorities to provide services through wireless communications facilities.
7. **Satellite Dish Antenna:** An antenna structure designed to receive from or transmit to orbiting satellites.
8. **Tower:** A structure, and any support thereto, that is intended to hold apparatus which transmits or receives radio, television, pager, telephone, or similar communications, including self-supporting lattice towers, guyed towers, light poles, wood poles, or monopole towers. The term includes radio and television transmission towers and antenna arrays, microwave towers, common-carrier towers, cellular telephone and wireless Internet towers, alternative tower structures, and similar wireless communication antennae support structures.

**ARTICLE 3.0
GENERAL PROVISIONS**

[DELETE the text of Section 3.10 (Non-Commercial Radio and Television Antennae; Satellite Dishes) in its entirety]

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SECTION 3.10 RESERVED

**ARTICLE 4.0
SCHEDULE OF DISTRICT REGULATIONS**

[DELETE and RELACE the text of Section 4.04H.2. (Height Exemptions) to remove the references to amateur radio antennae and add a reference to Section 5.03, as follows]

SECTION 4.04 DENSITY AND HEIGHT REGULATIONS

H. Exemptions from Placement and Height Regulations

2. Height Exemptions

- a. The following structures and appurtenances shall be exempt from the height regulations of this Ordinance provided their locations shall conform where applicable to the requirements of the Federal Aviation Administration (FAA) and other public authorities having jurisdiction: spires, belfries, penthouses and domes, chimneys, ventilators, skylights, water tanks, bulkheads, public utility transmission and distribution lines and related structures, transmission and receiving towers used exclusively for dispatch communications associated with a governmental agency, silos, parapets, and other appurtenances usually required to be placed above roof level and not intended for human occupancy.
- b. The aforementioned exempt structures and appurtenances shall not include wireless communication facilities, as defined and regulated by Section 5.03 (Wireless Communication Facilities).

**ARTICLE 5.0
SUPPLEMENTARY REGULATIONS AND STANDARDS**

[DELETE Section 5.03 (Commercial Communications Towers) in its entirety, and INSERT a new Section 5.03 entitled "Wireless Communication Facilities" as follows]

SECTION 5.03 WIRELESS COMMUNICATIONS FACILITIES

A. Purpose

The purpose of this Section is to carry out the will of the United States Congress by permitting facilities within the Township that are necessary for the operation of wireless communications systems, and facilitating adequate and efficient provisions for wireless communications facility sites. It is the intent of this Section to:

1. Permit the location of wireless communication facilities within given geographical areas of the Township, while protecting the safety and character of nearby residential areas and the Township as a whole;

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2. Require collocation of transmission and receiving apparatus and antennae on existing towers, unless it can be reasonably demonstrated that such collocation is not technically feasible;
3. Require new and replacement wireless communication towers to include provisions for collocation wherever technically feasible;
4. Limit adverse visual impacts through careful design, siting, landscaping and screening elements, and innovative camouflaging techniques;
5. Prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use;
6. Require wireless communication towers and antennae to be configured in a way that minimizes adverse visual impacts, through careful design, siting, landscape screening, and innovative camouflaging techniques;
7. Establish consistent review procedures and information requirements for construction, alteration, and enlargement of wireless communication facilities; and
8. Permit administrative review and approval of certain types of projects that have a limited scope and impact, such as amateur radio antennae, satellite dish antennae, and collocation of additional antennae on an existing, approved wireless communications tower.

B. Type of Review Required

Wireless communications facilities shall be subject to review and approval in accordance with the following table:

Type of Wireless Communications Facility	Required Review and Approval		
	Conditional Use Approval	Certificate of Zoning Compliance	Exempt
NEW TOWERS AND ANTENNAE			
Construction, alteration, or enlargement of a wireless communication tower.	●		
Antenna(e) installation on an existing principal building or accessory structure that includes use of a ground equipment enclosure area outside of the existing building or structure.	●		

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Type of Wireless Communications Facility	Required Review and Approval		
	Conditional Use Approval	Certificate of Zoning Compliance	Exempt
Antenna(e) installation on an existing principal building or accessory structure where all accessory equipment is installed and maintained within the existing building or structure.		●	
COLLOCATION ON EXISTING TOWERS			
Expansion of an approved ground equipment enclosure area.	●		
Construction or expansion of ground equipment building(s) within an approved ground equipment enclosure.		●	
Collocation of new antennae on an existing tower.		●	
Installation of new ground equipment within an approved ground equipment building or enclosure.		●	
SATELLITE DISH ANTENNAE			
Installation of a satellite dish antenna with a diameter 1.5 meters or larger.		●	
Installation of a satellite dish antenna with a diameter less than 1.5 meters.			●
AMATEUR RADIO ANTENNAE			
Installation of an amateur radio transmission and reception antenna or antenna structure.		●	
Installation of a citizen band radio base station antenna structure, contractor's business antenna structure, television reception antenna or wireless Internet antenna for personal use, or similar facility exceeding 14 feet in height.		●	
Installation of short wave facilities, amateur radio reception-only antenna, television reception antenna or wireless Internet antenna for personal use, or similar facility up to a maximum height of 14 feet.			●
Installation of municipal and other facilities subject to federal or state preemption of local regulatory authority.			●

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Type of Wireless Communications Facility	Required Review and Approval		
	Conditional Use Approval	Certificate of Zoning Compliance	Exempt
OTHER PROJECTS			
Repair or service of existing wireless communications facilities, provided that all work complies with applicable regulations and approved plans.			●
Telecommunication facilities as defined by the METRO Act (P.A. 48 of 2002, as amended).			●

1. **Exempt Facilities:** Nothing in this Section shall be construed in such a manner to conflict with the regulatory process established for telecommunication facilities as defined and regulated by the METRO Act (P.A. 48 of 2002, as amended). Facilities exempt from review per Section 5.03B (Type of Review Required) shall be permitted by right, subject to the applicable federal and state regulations.
2. **Facilities Subject to Zoning Inspector Approval:** Facilities subject to certificate of zoning compliance approval per Section 5.03B (Type of Review Required) shall require review and approval by the Zoning Inspector in accordance with the applicable standards of this Section and Section 11.03 (Certificates of Zoning Compliance).

C. Conditional Use Permit

Wireless communications facilities subject to conditional use approval per Section 5.03B (Type of Review Required) shall require review and approval of a Conditional Use Permit by the Planning Commission, subject to the standards of this Section and Article 6.0 (Conditional Uses).

1. **Modifications to an Approved Conditional Use Permit:** The following changes to an existing wireless communication facility for which a valid Conditional Use Permit was previously approved shall be subject to review and approval as a modification to the approved Permit:
 - a. Alteration or enlargement of an existing wireless communication tower; or
 - b. Expansion of an approved ground equipment enclosure area.
2. **New Conditional Use Permit Required:** All other wireless communication facilities subject to Conditional Use Permit approval shall require review and approval of a new Permit by the Planning Commission.

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3. **Information Required:** In addition to any information required by Article 6.0 (Conditional Uses), applicants for a Conditional Use Permit for a wireless communication facility shall submit the following information:
- a. **Site inventory:** Each applicant shall provide an inventory of the existing towers, antennae, or sites approved for towers or antennae that are either within Superior Charter Township or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower, and the following:
- (1) The separation distance between the proposed wireless communication facility and other structures shown on the site inventory. The applicant shall also identify the type of construction and owner(s)/operator(s) of existing towers, if known.
 - (2) A description of the feasible location(s) of future wireless communication facilities proposed or anticipated by the applicant within the Township, based on existing physical, engineering, technological, or geographical limitations in the event the proposed tower is erected.
 - (3) The Growth Management Plan classification of the site and all properties within the on the site inventory area.

Such information may be shared with other applicants applying for approvals under this Section or other organizations seeking to locate towers or antennae within Superior Charter Township. The sharing of such information shall not constitute a representation or warrant by the Township that such sites are available or suitable.

- b. **Site plan:** A preliminary and a final site plan shall be submitted that include the following minimum required information, and any other information deemed by the Planning Commission to be necessary to assess compliance with this Section:
- (1) All applicable information required for preliminary and final site plan approval per Article 10.0 (Site Plan Review).
 - (2) The location, type and height of the proposed tower; on-site and abutting land uses and zoning, including across road rights-of-way; adjacent roadways and proposed means of access; on-site topography and parking; setbacks from property lines; and elevation drawings of the proposed tower and any other structures.
 - (3) A maintenance plan to ensure long term, continuous maintenance to a reasonably prudent standard, and any applicable maintenance

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agreement identifying who will be responsible for maintenance of the facility, including access, landscaping, screening, and security improvements.

- (4) Legal description of the parent tract and leased parcel (if applicable).
 - (5) Setback distances between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
 - (6) Fencing and screening details, proposed methods of camouflage where applicable, and details of any tower illumination.
 - (7) A landscape plan showing the specific sizes, species, amounts, and planting details for proposed landscape materials.
- c. Removal agreement:** The applicant shall submit a signed and notarized removal agreement for the future removal of the facility in accordance with Section 5.03K (Cessation of Operation). The applicant shall submit an estimate for the cost of removal of the facility and restoration of the site, certified by a licensed professional engineer and verified by the Township Engineer.
- d. Tax-related information:** The applicant shall supply to the Township Assessor all tax-related information as requested for appraisal purposes. Upon receipt of requested information, the Assessor shall provide notice to the Planning Commission that this condition has been satisfied.
- e. Franchise information:** Written documentation shall be provided to certify that all franchises required by law for the construction and operation of the wireless communication facility have been obtained. A copy of such franchises shall be filed with the Township.
- f. Collocation information:** A notarized statement by the applicant indicating whether the proposed tower will accommodate collocation of additional antennae for future users.
- g. Additional required information:**
- (1) Identification of the entities providing the backhaul network for the tower(s) described in the application and other sites owned or operated by the applicant in the Township.
 - (2) A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of

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towers or structures to provide the proposed wireless communication services.

- (3) Technical analyses setting forth the minimum height necessary for reasonable communication by the applicant, and evaluating alternative designs that may require fewer towers and/or lower tower heights.
- (4) An environmental impact statement disclosing any potential impact on local wetlands, flood plains, wilderness areas, wildlife preserves, endangered species, historical sites, or other environmental considerations.

4. Conditions of Approval: In granting a Conditional Use Permit, the Planning Commission may impose conditions to the extent that the Planning Commission determines are necessary to minimize any adverse impact of the facility on nearby properties, in addition to the conditions of approval specified in Article 6.0 (Conditional Uses). The Planning Commission may also require that a performance guarantee be posted with the Township as a condition of Conditional Use Permit approval, subject to the following:

- a. The purpose of this guarantee is to ensure the facility's future removal and site restoration if the owner or operator fails to do so as required by Section 5.03K (Cessation of Operation).
- b. The security shall be in the form of: cash, surety bond, or letter of credit, together with a written and notarized agreement in the form approved by the Township providing for the future removal of the facility.
- c. The security shall be in an amount equal to the greater of \$5,000 or the cost estimate for removal of the facility and restoration of the site, as certified by a licensed professional engineer and verified by the Township Engineer.

5. Factors to Consider in Granting a Conditional Use Permit: In addition to any standards for consideration of Conditional Use Permit applications contained in Article 6.0 (Conditional Uses), the Planning Commission shall consider the following factors in determining whether to issue a Conditional Use Permit. The Planning Commission may waive or reduce one (1) or more of these criteria upon determination that the purposes of this Section are better served thereby:

- a. Height of the proposed tower.
- b. Proximity of the tower to residential structures and residential district boundaries.
- c. Nature of uses on adjacent and nearby properties.

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- d. Surrounding topography.
- e. Surrounding tree coverage and foliage.
- f. Design of the tower and ground equipment enclosure area, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- g. Proposed ingress and egress.
- h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.

- 6. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology:** No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna(e). An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology.

The Township may employ specialized experts to review data submitted by the applicant. The applicant shall incur all costs associated with such review. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna(e) may consist of any of the following:

- a. No existing towers or structures are located within the geographic area that meet the applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna(e) would cause electromagnetic interference with antennae on existing towers or structures, or the antennae on existing towers or structures would cause interference with the applicant's proposed antenna(e).
- e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

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- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

D. General Regulations

All wireless communication facilities shall be subject to the following regulations:

1. **Grounded:** Antennae and metal structures shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all structures shall comply with all applicable local, state, and federal statutes, regulations, and standards.
2. **Wind Load:** Structures with antennae shall be designed to withstand a uniform wind loading as prescribed in the State Construction Code.
3. **State and Federal Regulations:** All wireless communication facilities shall meet or exceed applicable federal and state regulations and standards, subject to the following:
 - a. If more restrictive federal or state regulations or standards are adopted in the future, then the facility owner or operator shall bring the facility into compliance with such revised standards and regulations within 180 calendar days of their effective date, unless a different compliance schedule is mandated by the controlling state or federal agency.
 - b. If, upon inspection, the Township determines that a facility constitutes a danger to persons or property, then the facility owner or operator shall have 30 calendar days from the date of receipt of such notice from the Township to remove the facility or bring it into compliance with applicable standards.
 - c. Failure to take such action as required shall be considered a violation of this Ordinance, and shall constitute grounds for the facility's removal at the owner's expense. The facility owner and operator shall be responsible for all costs for testing and compliance verification.
4. **Franchises:** Owners and/or operators of structures or antennae shall certify that all franchises required by law for the construction and/or operation of a wireless communication system have been obtained and shall file a copy of all required franchises with the Township.

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5. **Engineering Certification:** Any civil, mechanical or structural engineering information supplied by the applicant shall be certified by a licensed professional engineer.
6. **Not Essential Services:** Structures and antennae shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
7. **Signage:** The wireless communication facility shall not be used for advertising purposes and shall contain no signs except a permitted nameplate and as otherwise required by the Federal Aviation Administration (FAA).
8. **Climb Prevention:** All wireless communication towers and antenna structures shall be protected by anti-climbing devices; such as security fences or anti-climbing devices. Anchor points for guy wires or anchoring points shall be enclosed by a fence or shall be located within the confines of a yard that is completely fenced.

E. Standards for Wireless Communication Towers

Wireless communication towers shall be subject to the following:

1. **Collocation:** The applicant shall submit evidence that there are no reasonable and suitable alternatives for location of equipment on an existing tower within the service area of the proposed tower.
2. **Location of Towers and/or Structures:** A tower shall have a minimum setback from all property boundaries equal to the height of the tower. Guys and accessory buildings shall satisfy minimum zoning district dimensional standards.
 - a. No tower shall be located within two (2) miles of another commercial communication unless it can be demonstrated by the applicant that there is a need for an additional wireless communication tower.
 - (1) The Planning Commission shall make the determination of necessity based on the technical requirements of the tower, the service needs of the Township residents, and other factors as may be appropriate on a case by case basis.
 - (2) The Planning Commission may employ specialized experts to review the data submitted by the applicant to support the location. The applicant shall incur all costs associated with such review.
 - (3) Under no circumstance shall a wireless communication tower be permitted to locate less than one (1) mile from another wireless communication tower.

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- a. The area of the proposed ground equipment enclosure shall be the minimum necessary to accommodate all proposed and planned future users of the facility.
- b. The antennae shall be painted to match the exterior treatment of the tower.
- c. The paint scheme of the tower and antennae shall be designed to minimize off-site visibility of the facility.
- d. Advertising, signs, and identification intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes.
- e. Metal structures shall be constructed of or treated with corrosive-resistant material.

8. Fencing and Landscaping: The tower and ground equipment enclosure shall be secured by fencing a minimum of six (6) feet in height. The ground equipment enclosure area and fencing shall be screened with a landscape strip at least 20 feet wide along each side of such fencing and building.

- a. Specifications for spacing and plant materials shall be as set forth in Section 3.20 (Transition Strip/Landscape Strip). The landscape strip shall be maintained in good condition at all times so as to continue its effectiveness.
- b. Existing mature on-site vegetation and natural landforms shall be preserved to the maximum extent feasible.
- c. The Planning Commission may waive the landscaping requirements of this subsection where natural growth around the property perimeter may provide sufficient buffer, such as facilities sited on large, wooded lots.

9. Employees: No employees shall be located on the site on a permanent basis to service or maintain the tower or antennae. Occasional or temporary repair and service activities are excluded from this restriction.

F. Standards for Antennae Located on Principal Buildings and Accessory Structures

Antennae shall be permitted on principal buildings or accessory structures in any zoning district, subject to approval per Section 5.03B (Type of Review Required) and the following standards:

- 1. The antenna and support structure shall not extend into any required yard setback areas, and shall not exceed the structure height by more than ten (10) feet.

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2. The antennae, supporting structure, and electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the principal building or accessory structure, so as to make the antenna and related equipment as visually unobtrusive as possible.
3. The antenna and support structure shall not be illuminated, unless required by the FAA or other agency with jurisdiction.
4. Such antenna shall be securely attached and anchored to the structure. Structural improvements needed to support the added weight of the antenna and support structure shall conform to State Construction Code standards.
5. All accessory ground equipment shall be located within the building or structure, except where otherwise permitted as part of a Conditional Use Permit approval.

G. Standards for Satellite Dish Antennae

Satellite dish antennae shall be permitted in any zoning district, subject to approval per Section 5.03B (Type of Review Required) and the following standards:

1. Such antennae shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.
2. Satellite dish antennae shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this subsection.
3. One (1) satellite dish antenna shall be permitted per lot. The antenna shall conform to the minimum yard setbacks of the zoning district where the antenna is located.
4. Construction and placement of satellite dish antennae shall meet manufacturers' specifications, and shall conform to the State Construction Code and all applicable electrical and fire codes.
5. Satellite dish antennae with a diameter of 1.5 meters or larger and located within 100 feet of a road right-of-way or the boundary of a lot occupied by a dwelling shall be screened by a wall, fence, berm, evergreen plantings, or combination of these elements so as not to be visible from the neighboring residence or road. If the antenna is a mesh type, screening need not exceed six (6) feet in height.

H. Standards for Amateur Radio Antennae

Amateur radio antennae shall be permitted in any zoning district, subject to approval per Section 5.03B (Type of Review Required) and the following standards:

1. Such antennae shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.

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2. Amateur radio antennae shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this subsection.
3. A maximum of one (1) amateur radio antenna shall be permitted per zoning lot, with a maximum height of 60 feet and a minimum setback from all lot boundaries equal to one hundred percent (100%) of its height.
4. For retractable, telescoping, or tilt-down antennae, the minimum required setback distance shall be equal to the height of the antenna structure in the “down” or retracted position. Such antennae shall be maintained in the “down” or retracted position when not in use.

I. Existing Wireless Communications Facilities

Wireless communications facilities existing prior to the effective date of this Ordinance shall be allowed to continue, provided that such facilities are maintained in accordance with applicable federal, state, and county laws and regulations, and all approved plans, permits, and conditions of approval. Collocation of additional antennae on such existing towers shall be permitted in accordance with the requirements of this Section and Ordinance.

J. Rescinding Approval

Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required performance guarantee or insurance certificates, provide information to the Township about the facility as required by this Section, or maintain and operate the facility in compliance with the provisions of this Section shall be grounds for the Township to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:

1. **Public Hearing:** Such action may be taken only after a public hearing has been held by the Planning Commission, at which time the owner or operator of the wireless communications facility shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination:** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescinding of approval shall be made and written notification provided to said owner, operator or designated agent.

K. Cessation of Operation

The owner or operator shall remove a wireless communications facility for which approval has been rescinded, that has ceased operation for more than 365 contiguous days, or that has been determined by the Township to be abandoned, subject to the following:

1. Such facilities shall be removed within 90 calendar days of receipt of notice from the Township requesting such removal. Failure of the owner or operator to respond

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within 90 calendar days of such a request shall be grounds for the Township to rescind any previous approval to construct or operate the facility.

2. Failure by the owner to remove such facilities in accordance with this Section or an approved removal agreement shall be grounds for the Township to remove the facility at the owner's expense, and to make use of any performance guarantee or other security provided for that purpose.
3. Removal of the tower shall include removal of any structures in the ground, including concrete footings, support structures, or other appurtenances such as ground radial systems. In-ground structures and appurtenances shall be removed to a depth of 48 inches, and the land re-graded and restored to the original grade prior to the removal.
4. The Township reserves the right to require submittal of evidence of ongoing operation at any time after construction or installation of an approved wireless communication facility.
5. If there are two (2) or more antennae on a single tower, this subsection shall not take effect until all users cease using the tower.
6. Any wireless communication facility that is not operated for a continuous period of 365 calendar days shall be deemed abandoned.

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Green, Lewis, Phillips

Nays: None

Absent: Caviston

The motion carried.

10. NEW BUSINESS

A. FIRE DEPARTMENT PURCHASE OF OVERHEAD DATA PROJECTOR

Fire Chief Roberts requested that the Fire Department purchase an overhead data projector for training purposes. Captain Bach researched the available models and found that the Optoma EP 770 met their needs.

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It was moved by McKinney, supported by Green, that the Superior Charter Township Board authorize the purchase of an Optoma EP 770 Multimedia Data Projector from Amazon.com for \$1,179.00 for the Fire Department.

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Green, Lewis, Phillips

Nays: None

Absent: Caviston

The motion carried.

B. CVS PHARMACY DEVELOPMENT AGREEMENT

It was moved by Williams, supported by McKinney, that the Superior Charter Township Board authorize the Supervisor to sign the following Development Agreement for CVS Pharmacy after CVS Pharmacy and the Washtenaw County Road Commission have a signed Road Improvement Agreement:

**Superior Charter Township
Washtenaw County, Michigan**

**DEVELOPMENT AGREEMENT
CVS Pharmacy # 1589**

This Development Agreement ("**Agreement**") is entered into as of June 18, 2007, by and between CVS ("**Owner**"), whose address is 1 CVS Drive, Woonsocket, RI 02895, the Velmeir Companies, a Michigan corporation ("**Applicant/Developer**"), whose address is 5757 W. Maple Road, Suite 800, West Bloomfield, Michigan, 48322 and the Charter Township of Superior, a Michigan Municipal Corporation ("**Township**"), whose address is 3040 N. Prospect Road, Ypsilanti, Michigan 48198.

RECITALS:

- A. WHEREAS**, the Owner/Applicant/Developer desires to construct a new building consisting of approximately 12,900 square feet which houses the CVS Pharmacy #1589;

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- B. WHEREAS**, the Owner/Applicant/Developer desires to develop the new building pursuant to Section 4.22 and 10.03, B as well as additional area plan requirements in Article VII of the Superior Township Zoning Ordinance;
- C. WHEREAS**, the subject property consisting of 2.75 acres, is located at the Northwest corner of Prospect and Clark Roads ("***the Property***");
- D. WHEREAS** the legal description of the site is as follows:

Land located in the Township of Superior, Washtenaw County, State of Michigan, and described as follows:

Parcel 1: A part of the Southeast 1/4 of Section 33, T2S, R7E, Superior Township, Washtenaw County, Michigan, being more particularly described as: Commencing at the Southeast corner of Section 33; thence S87°49'26"W 419.00 feet along the South line of said Section 33 (Clark Road); thence N01°36'00"W 33.00 feet to a point on the North right of way line of Clark Road, said point being the point of beginning; thence N01°36'00"W 315.00 feet; thence N87°49'26"E 341.08 feet to a point on the westerly right of way line of Prospect Road; thence the following four (4) courses along said Westerly line: (1) along a curve to the right 66.43 feet, said curve having a radius of 797.63, central angle of 04°46'17" and long chord bearing S20°06'21"W 66.41 feet, and (2) S22°29'30"W 139.06 feet, and (3) along a curve to the right 248.88 feet, said curve having a radius of 218.26 feet, central angle of 65°19'56" and a long chord bearing of S55°09'28"W 235.61 feet, and (4) S87°49'26"W 62.69 feet to the point of beginning.

Tax Parcel No.: J-I0-33-400-010

Parcel 2: A part of the Southeast 1/4 of Section 33, T2S, R7E, Superior Township, Washtenaw County, Michigan, being more particularly described as: Commencing at the Southeast corner of Section 33; thence S87°49'26"W 419.00 feet along the South line of said Section 33 (Clark Road); thence N01°36'00"W 348.00 feet to the point of beginning; thence N01°36'00"W 104.00 feet; thence N87°49'26"E 369.87 feet to a point on the westerly right of way line of Prospect Road; thence along said right of way on a curve to the right 108.27 feet, said curve having a radius of 797.63, central angle of 07°46'39" and long chord bearing S13°49'53"W 108.19 feet; thence S87°49'26"W 341.08 feet to the point of beginning.

Tax Parcel No.: J-I0-33-400-011

- G. WHEREAS**, all parking and drives for the subject project are to be bituminous with concrete curb and gutter;

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- H. WHEREAS**, the purpose of the facility is for retail pharmaceutical and related product sales with drive-thru window.
- I. WHEREAS**, the Owner/Applicant/Developer desires to build all necessary infrastructure, such as, but not limited to, storm sewers, water main, drainage facilities, storm detention basins, sanitary sewer extension, driveways, sidewalks, curb and gutter, parking improvements, lighting and landscaping, without the necessity of special assessments by the Township;
- J. WHEREAS**, the Owner/Applicant/Developer desires to install the lot grading and soil erosion and sedimentation control improvements proposed on the construction plans in order to facilitate the additional drainage of stormwater from the development in such a manner as to avoid damage to any adjacent property or any adjacent lot, from an increase in the flow or decrease in water quality of stormwater from the subject development;
- K. WHEREAS**, all contracts, maintenance agreements, approvals, and conditions agreed to by the Owner, Owner/Applicant/Developer and the Township remain in effect including, but not limited to, conditions of all approvals by the Township regarding zoning and site plan approval on the subject site, engineering approvals, and permits that may have been issued by appropriate governmental review agencies for the subject site;
- L. WHEREAS**, on **August 21, 2006** the Superior Charter Township Board adopted Ordinance 134-44 approving the Planned Community Zoning and area plan for the Owner/Applicant/Developer's Pharmacy based upon recommendation of the Superior Charter Township Planning Commission and items within the Township's Planner and Engineer reports. All such items have been determined adequate by administrative review;
- M. WHEREAS**, on **September 27, 2006** the Township's Planning Commission passed a motion to approve a preliminary site plan for the Owner/Applicant/Developer's Pharmacy based upon items within the Township's Planner and Engineer reports. All such items have been determined adequate by administrative review;
- N. WHEREAS**, on **December 20, 2006** the Township's Planning Commission passed a motion to approve a final site plan with conditions for the Owner/Applicant/Developer's Pharmacy based upon items within the Township's Planner and Engineer reports. The Final Site Plan was amended on **January 24, 2007**. All such items have been determined adequate by administrative review;

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- O. WHEREAS**, the approved final site plan for the Development is consistent with the purposes and objectives of the Township's Zoning Ordinance pertaining to the use and development of the Property;
- P. WHEREAS**, Section 10.04 Fl requires the execution of a Development Agreement in connection with the approval of the final site plan for the Development which Agreement shall be binding upon the Township, Applicant/Developer and the Owners of the site, their successors-in-interest, and assigns.

NOW, THEREFORE, in consideration of the promises and the mutual covenants of the parties described in this Agreement and with the express understanding that this Agreement contains important and essential terms as part of the final approval of the Owner/Applicant/Developer's final site plan for the Development, the parties agree as follows:

**ARTICLE I
GENERAL TERMS**

- 1.1 Recitals Part of Agreement.** The Owner/Applicant/Developer and the Township acknowledge and represent that the foregoing recitals are true, accurate and binding on the respective parties and are an integral part of this Agreement.
- 1.2 Zoning District.** The Township acknowledges and represents that the Property is zoned Planned Community District (PC) for the development and for purposes of recordation shall be referred to as the **CVS Pharmacy #1589**. This district is intended to (among other things) provide flexibility in design of land development; create more stable communities by providing a variety and balance of housing types and living environments; provide for necessary educational, recreational, and commercial opportunities conveniently located in relation to housing; promote efficiency and economy in the use of land and energy, in the development of land, and in the provision of public services and facilities; establish planning, review, and approval procedures with will properly relate the type, design, and layout of development to a particular site and its neighborhood.
- 1.3 Approval of Site Plan.** The final site plan, dated **December 14, 2007**, and approved **December 20, 2007**, and amended **January 24, 2007**, a copy of which is attached hereto and made a part hereof, has been approved pursuant to the authority granted to and vested in the Township pursuant to Act No. 110, Public Acts of 2006, as amended.

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1.4 Conditions of Site Plan Approval. The Owner/Applicant/Developer and the Township acknowledge that the approved final site plan for the development incorporates the approved conditions and requirements that were adopted by the Township Planning Commission, consultants and departments of the Township. Those conditions were as follows:

- 1) The final site plan shall conform to all Superior Township ordinances;
- 2) The conditions of the Township Engineer's report dated 12-15-06 shall be addressed;
- 3) The caliper and height of the landscaping trees shall be increased and the Township Planner shall approve the location;
- 4) The lumens of the lighting shall not exceed 0.02 along the north and west property lines;
- 5) The berm shall be increased four feet in height; and
- 6) All signs shall comply with the requirements of the Zoning Ordinance.

1.5 Agreement Running with the Land. The terms, provisions and conditions of this Agreement shall be deemed to be of benefit to the Property described herein, shall be deemed a restrictive covenant which shall run with the land and be binding upon, and inure to the benefit of the parties, their successors-in-interest and assigns; and may not be modified or rescinded except as may be mutually agreed to in writing by the Township, the Owner/Applicant/Developer and/or their respective successors. This restrictive covenant shall be incorporated by the appropriate executed instruments into the title of said property.

ARTICLE II
PROVISIONS REGARDING DEVELOPMENT

2.1 Permitted Principal Uses. The principal use within the CVS Pharmacy #1589 shall be for retail pharmaceutical and related product sales as depicted on the Township's approved final site plan:

- The construction of a sixty-three (63) space parking lot
- The construction of a 12,900 square foot single story building with drive-thru
- The construction of interior walkways and exterior pathways and road crossings
- The construction of sanitary services which connect to the public sanitary sewer
- The construction of water service leads which connect to the public water main, as well as construction of a public hydrant and approximately 281 feet of public water main
- The construction of a private storm sewer and underground detention system on-site, which will outlet to the ditch along the east side Prospect Road.

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2.2 Payment of Fees and Invoices. The Owner/Applicant/Developer shall pay all such applicable fees and invoices as may be due and payable prior to the issuance of building permits before any such permits are issued.

2.3 Tree Preservation. Trees shown to be preserved and/or replaced on the final site plan shall be protected from encroachment by tree fencing installed at the drip line of the trees at all times during all phases of development and, if damaged or removed, shall be promptly replaced by a like variety no less than four (4") inches in diameter.

2.4 Responsibility to Preserve, Retain, and Maintain Site. During the period of construction the Owner/Applicant/Developer shall regularly remove all construction debris and rubbish from the site.

No burning of any kind will be allowed on the site in conjunction with the construction of the Development, including the burning of trees, brush, stumps, or vegetative materials, while clearing the site, or of construction materials during construction.

2.5 General Site and Detention Area Rules. The Owner/Applicant/Developer shall be responsible for removing any man-made debris that is deposited on the site during the period of construction and shall maintain the area to ensure that it is are free of trash, rubbish or unsightly weeds and during the construction shall maintain the area and landscaping in an attractive state.

Owner/Applicant/Developer shall preserve and retain the open space areas within the site in their natural state, with minimal intrusion, subject to the right of Owner/Applicant/Developer to install, maintain and repair the site improvements which are identified in the final site plan or the plans and specifications for the Development which have been approved by the Township.

2.6 Township Right of Enforcement Regarding Site, Open Space and Drainage Areas. In the event the Owner/Applicant/Developer fails at any time to preserve, retain, maintain or keep up the Open Space or Drainage Areas during the construction in accordance with this Agreement, the Township may serve written notice upon the Owner/Applicant/Developer setting forth the manner in which Owner/Applicant/Developer has failed to maintain or preserve the Open Space and Drainage Areas in accordance with this Agreement. Such notice shall include a demand that deficiencies in maintenance or preservation be cured within thirty (30) days of the notice. If the deficiencies set forth in the original notice, or any written modification thereof, are not cured within such thirty (30) day period or any extension thereof, the Township, in order to prevent the Open Space and Drainage Areas from becoming a nuisance, may, but is not obligated to, enter

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upon the Open Space and Drainage Areas and perform the required maintenance or otherwise cure the deficiencies. The Township's cost to perform any such maintenance or cure, together with a surcharge equal to fifteen percent (15%) for administrative costs, shall be assessed to the owner of the site at the time such maintenance or cure is performed (or said owner's successors or assigns), placed on the next Township tax roll as a special assessment, and collected in the same manner as general property taxes.

- 2.7 Storm Water Management.** No part of the detention facility located within the Development shall be allowed to remain in an unkempt condition. All grass and growth located within the Development shall be maintained and cut in accordance with Township ordinances. The inlets and outlets located within the Development shall be kept functioning as originally designed and accepted. The Owner/Applicant/Developer has a continuing responsibility to preserve, retain, maintain and keep operational such detention facility, inlet and outlet areas, etc., whether arising under this Agreement or any other open space maintenance agreements or other maintenance and/or easement agreements entered into with the Township or other governmental entities, from and after the date of certification by the Township engineer that he has inspected the required improvements and is reasonably satisfied that they are proper and complete.

In the event Owner/Applicant/Developer at any time fails to maintain or preserve such detention facility, the inlet and outlet areas, etc., in accordance with this Agreement, the Township may serve written notice upon the Owner/Applicant/Developer setting forth the deficiencies in the maintenance and/or preservation of the detention facility inlet and outlet areas, etc. Said written notice shall include a demand that deficiencies in maintenance and/or preservation be cured within thirty (30) days of the date of said written notice. If the deficiencies set forth in the original notice, or any subsequent written notice thereto, are not cured within such thirty (30) day period or any extension thereof, the Township in order to prevent the detention facility inlet and outlet areas, etc. from becoming a nuisance, may enter upon the retention/detention basin areas, inlet and outlet areas, etc. and perform the required maintenance and/or preservation to cure the deficiencies. The Township's cost to perform any such maintenance and/or preservation, together with a fifteen percent (15%) surcharge for administrative costs, shall be assessed to the owner of the site at the time such maintenance and/or preservation is performed or its successors or assigns, placed on the next Township roll as a special assessment and collected in the same manner as general property taxes.

The Owner/Applicant/Developer shall comply with all requirements of the Washtenaw County Drain Commissioner in conjunction with neighboring parcels, to promote the on going maintenance and upkeep of the storm water drainage

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system(s) within the Development.

The Owner/Applicant/Developer shall provide the Township with written, recordable easements to all drains and retention/detention basin areas, inlet and outlet areas for monitoring purposes.

- 2.8 Landscape Plan for Development.** The Owner/Applicant/Developer has provided a complete landscape plan dated 1/11/07 for the Development depicting the type, size, and location of landscaping materials including all planned irrigation systems. Such plan considers landscaping along Prospect and Clark Roads and within the Development. The Landscaping shall be installed in accordance with the approved plan prior to the issuance of Certificate of Occupancy.
- 2.9 Construction Access.** Owner/Applicant/Developer shall take all reasonable measures requested by the Township to reduce any dust or unreasonable amounts of material on the road created by trucks traveling to and from the construction site, when requested in writing by the Township, the expense of which shall be born exclusively by the Owner/Applicant/Developer.
- 2.10 Engineering and Certification.**
- A.** Owner/Applicant/Developer shall furnish three mylar As-built Drawing plans signed and sealed by an engineer licensed in the State of Michigan indicating that the site grading, water transmission system, sanitary sewer system, storm water conveyance, soil erosion/sedimentation, detention/retention facilities, have been constructed in substantial accordance with the approved engineering plans. All inspections for water and sewer (sanitary and storm) installations are to be performed by the Township engineers, with applicable fees paid by Owner/Applicant/Developer. The Township will review and approve improvements in accordance with the Township "Engineering Design Specification for Site Improvements" and other applicable laws and ordinances.
- B.** Owner/Applicant/Developer shall furnish As-Built Drawing plans in CD format that is in conformance with the Charter Township of Superior Standards for Submitting Digital As-Built Drawings.
- 2.11 Inspection Escrow for Improvements as Shown on Final Site Plan.** Owner/Applicant/Developer has provided a layout to the Township showing all site improvements which the Owner/Applicant/Developer proposes to install therein, as reflected in the approved final site plan. Site improvements shall include but not be limited to streets and drives, parking lots, walkways, grading, required landscaping, required screens, and storm drainage systems as cited in

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Section 10.10 A (2) of the Superior Charter Township Zoning Ordinance. The Owner/Applicant/Developer will deposit a total of **\$23,400.00** in escrow with the Township to secure the cost of inspection of the site improvements prior to the scheduling of the pre-construction meeting. The Owner/Applicant/Developer will deposit such funds with the Treasurer's Office in the form of cash or a check payable to the Charter Township of Superior. The escrow funds shall state "Escrow for inspection of site improvements as shown of the Final Site Plan for CVS Pharmacy #1589 as stated in Section 2.11 of the Development Agreement". The **\$23,400.00** escrow amount stated above is based on specifications and estimates prepared by the Owner/Applicant/Developer in an "itemized estimate" to the Township and approved by the Township and/or its agents. All site improvements shall be installed as agreed upon between the Owner/Applicant/Developer and the Charter Township of Superior as presented on the final site plan approved and signed by the Planning Commission. The Township shall refund its unused portion of the escrow within ten (10) business days after review and approval of the designated site improvements, such approval not to be unreasonably conditioned or withheld.

- 2.12 Underground Utilities.** Owner/Applicant/Developer shall install all electric, telephone, cable and other communication systems underground in accordance with the requirements of the applicable utility company. The Owner/Applicant/Developer agrees to install all utility infrastructures (water/sewer) as may be proscribed by Ordinance and agrees to extend the water main across the entire frontage of the site as required in the Township Engineering Standards, Section IV.
- 2.13 Utility Fees.** The Owner/Applicant/Developer shall pay Utility Trunk and Transportation fees and Availability fees imposed by the Township Utility department, as specified in Exhibit A entitled Utilities Connection Permit, in the total sum of **\$120,127.25** prior to the issuance of the building permit.
- 2.14 Performance Guarantee for Site Improvements.** The Developer shall provide security in the amount of **\$574,700.00** to the Township (as set forth on Exhibit B) to assure the installation of all site improvements which the Developer proposes to install as reflected in the approved Final Site Plan of the Development, including, but not be limited to, streets and drives, parking lots, walkways, grading, soil erosion control measures, required landscaping, required screens, sidewalks, street lighting, storm drainage systems, and utilities (water and sewer). The Developer shall deliver such security (or deposit such funds) to assure the construction of the site improvements as stated above, as set forth on Exhibit B. The Developer shall deposit such funds **before the pre-construction meeting** with the Township Treasurer's Office in the form of cash, bond, or irrevocable letter of credit (whichever Developer may elect), payable to the Charter Township

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of Superior. The bond or irrevocable letter of credit shall state "Security for Site Improvements as stated in Section 2.14 of the CVS Development Agreement". The **\$574,700.00** performance guarantee amount stated above is based on specifications and estimates prepared by the Developer's Engineer and approved by the Township's engineer, based on the Final Site Plan of the Development. All Site Improvements as stated above shall be installed, as depicted on the Final Site Plan and in the approved final engineering plans by not later than the time of application for the certificate of occupancy. The Township shall refund the bond or irrevocable letter of credit within forty-five (45) days after Developer provides written notice of completion of the improvements and Township approves such completion, such approval not to be unreasonably withheld, conditioned or delayed. The Developer may also receive partial refund(s) and/or reductions in the amount of this bond as improvements are completed by providing written notice of completion as set forth in this paragraph.

- 2.15 Engineering Approval of Plans.** In accordance with Superior Township Ordinance and Superior Township's Engineering Design Specifications, no construction work shall be performed on the Development until engineering plans are reviewed and approved. The Township agrees that all plan reviews required by its engineer shall be completed in a timely manner.
- 2.16 Restoration Bond.** The Owner/Applicant/Developer shall issue an irrevocable letter of credit in the amount of **\$40,000.00** to guarantee the performance of Mass Grading at the Property. The Owner/Applicant/Developer shall be responsible for maintaining all areas of the Property during the construction in a manner consistent with the final site plan adopted by the Township on **December 20, 2006**. The Owner/Applicant/Developer shall file an irrevocable letter of credit in the amount of **\$40,000.00** to allow the Township to restore the Property to its condition prior to the commencement of the Development if the Owner/Applicant/Developer fails to develop or maintain the Property in accordance with the final site plan as approved by the Township on December 20, 2007. The Township shall notify the Owner/Applicant/Developer in writing of any problems or issues regarding the Property and shall allow the Owner/Applicant/Developer up to two weeks to address said issue to the Township's satisfaction. Emergency conditions where public health, safety, and welfare are of concern shall require a faster response. Critical emergencies may require immediate action. (Examples of such issues may include, but are not limited to soil erosion and drainage). The Owner/Applicant/Developer shall deposit the **\$40,000.00** with the Township Treasurer's Office in the form of an irrevocable letter of credit, **prior to the pre-construction meeting**, stating clearly that the irrevocable letter of credit is for the "Restoration Bond according to Section 2.16 of the Development Agreement" payable to the Charter Township of Superior. The Township shall release the irrevocable letter of credit within ten

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(10) business days after review and approval of the Development, signified by the issuance of the certificate of occupancy, said approval not to be unreasonably conditioned or withheld.

2.17 Maintenance and Guarantee Bond for Public Utilities. Developer shall submit cash, a bond or irrevocable letter of credit to the Township Treasurer in the full amount estimated for underground utility infrastructure, i.e. **\$23,800.00**, prior to the Final acceptance. The bond or irrevocable letter of credit shall be consistent the Township's standard form and state "Maintenance and Guarantee Bond for Public Utilities according to Section 2.17 of the Development Agreement". The term length in which the bond or letter of credit is in force shall not exceed two (2) years from the date on which the Township Utility Department issues final acceptance of Public Utilities after completion of all homes within the Development. The amount of these bonds will be based on the sealed Design Engineer's estimate for the work approved by the Township Engineer. See Exhibit B, Schedule of Bonds.

2.18 Construction Work Schedule. Due to the nature of the Development construction work (including excavation, demolition, alteration and erection) and construction noises shall be prohibited at all times other than:

MONDAY THROUGH FRIDAY – 7 A.M. – 6 P.M.

SATURDAY - 8 A.M. – 5 P.M.

The Township may issue a work permit for hours other than listed above upon written request of the owner or owner's representative. The request must demonstrate unusual or unique circumstances relating to the proposed construction hours and approval shall not be unreasonably conditioned or withheld.

2.19 Removal of Construction Debris. Owner/Applicant/Developer shall remove all discarded building materials and rubbish at least once each month during construction of the development and within one month of completion or abandonment of construction. No burning associated with the construction of the Development shall be allowed on site without approval from the Township, which shall not be unreasonably conditioned or withheld.

2.20 Off-Site Improvements. Owner/Applicant/Developer shall install Pedestrian Crossings at the Prospect/Clark intersection in accordance with plans as approved by the Washtenaw County Road Commission and a segment of a non-motorized trail on the north side of Clark Road to connect with the Non-motorized Trail being constructed by the Township along Clark Road.

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Owner/Applicant/Developer shall construct turn lane improvements on Prospect and Clark as approved by the Washtenaw County Road Commission. Prior to the granting of the Certificate of Occupancy, Owner/Applicant/Developer shall contribute **Ten Thousand (\$10,000.00) Dollars** to the construction of a non-motorized trail from Clark north on the east side of Prospect for the benefit of the Superior Charter Township residents who wish to walk or cycle to the CVS store.

**ARTICLE III
MISCELLANEOUS PROVISIONS**

- 3.1 Modifications.** This Agreement may not be modified, replaced, amended or terminated without the prior written consent of the parties to this Agreement.
- 3.2 Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.
- 3.3 Township Approval.** This Agreement has been approved by the Owner/Applicant/Developer and Township, through action of the Township Board at a duly scheduled meeting.
- 3.4 Owner/Applicant/Developer Approval.** The signers on behalf of Owner/Applicant/Developer below represent by their signatures that they represent and have authority to bind such parties. Owner/Applicant/Developer has signed to show only that they consent to the terms of the Agreement being made applicable to the property.
- 3.5 Execution in Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one Agreement. The signature of any party to any counterpart shall be deemed to be a signature to, and may be appended to, any other counterpart.
- 3.6 Pre-Construction Meeting with Builder.** Prior to the commencement of said construction, the Owner/Applicant/Developer shall schedule a meeting with its construction manager and the Township's applicable departments, officials, and consultants to review the applicable policies, procedures and requirements of the Township with respect to construction of the subject development.

**ARTICLE IV
CHARTER TOWNSHIP OF SUPERIOR HEREBY AGREES:**

- 4.1 Ratification of Agreement.** The Township confirms and ratifies its agreements and undertakings as set forth in this Agreement.

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- 4.2 Inspections** In consideration of the above undertakings to approve the development, the Township shall provide timely and reasonable Township inspections as may be required during construction.

- 4.3 Continued Review.** The Owner/Applicant/Developer shall be required to review conformance of this Agreement with Township Officials and/or designated Township consultants on a yearly basis or at such time as reasonably necessary by the Township until all escrows and letters of credit issued by the Owner/Applicant/Developer have been extinguished or released.

- 4.4 Fees.** The Owner/Applicant/Developer, if in default of a material provision of this Agreement, shall pay for reasonable reviews necessary to determine conformance of the Development to this Agreement. This fee would include reasonable review time at reasonable rates by the Township Engineer, Planner or Attorney.

- 4.5 Recordation of Agreement.** The Township will record this Agreement with the Washtenaw County Register of Deeds. All costs associated with the recording of this Agreement shall be born by the Owner/Applicant/Developer.

IN WITNESS WHEREOF, the parties have executed this Agreement as the year and date set forth above.

**OWNER:
CVS PHARMACY #1589,
a Michigan corporation
By:**

Timothy E. Kramer, Esq

**Its: Executive Vice President,
Administrative Services**

STATE OF MICHIGAN)
) s.s.
COUNTY OF _____)

**SUPERIOR CHARTER TOWNSHIP BOARD
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The foregoing instrument was acknowledged before me this _____ day of _____ 2007, by Timothy E. Kramer, a Michigan corporation, on behalf of the company.

Notary Public
_____ County,

My Commission Expires:

TOWNSHIP:

**CHARTER TOWNSHIP OF
SUPERIOR, a Michigan
Municipal corporation**

By:

**William A. McFarlane
Its: Supervisor**

STATE OF MICHIGAN)
) s.s.
COUNTY OF WASHTENAW)

The foregoing instrument was acknowledged before me this _____ day of _____ 2007, by William A. McFarlane, Supervisor of Superior Charter Township, a Michigan municipal corporation, on behalf of the corporation.

Notary Public
_____ County,
Michigan
My Commission Expires:

When recorded return to:

Kay Williams
Superior Charter Township Clerk

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3040 N. Prospect
Ypsilanti, MI 48198
(734) 482-6099

Legal Description

Land located in the Township of Superior, Washtenaw County, State of Michigan, and described as follows:

Parcel 1: A part of the Southeast 1/4 of Section 33, T2S, R7E, Superior Township, Washtenaw County, Michigan, being more particularly described as: Commencing at the Southeast corner of Section 33; thence S87°49'26"W 419.00 feet along the South line of said Section 33 (Clark. Road); thence N01°36'00"W 33.00 feet to a point on the North right of way line of Clark. Road, said point being the point of beginning; thence N01°36'00"W 315.00 feet; thence N87°49'26"E 341.08 feet to a point on the westerly right of way line of Prospect Road; thence the following four (4) courses along said Westerly line: (1) along a curve to the right 66.43 feet, said curve having a radius of 797.63, central angle of 04°46'17" and long chord bearing S20°06'21"W 66.41 feet, and (2) S22°29'30"W 139.06 feet, and (3) along a curve to the right 248.88 feet, said curve having a radius of 218.26 feet, central angle of 65°19'56" and a long chord bearing of S55°09'28"W 235.61 feet, and (4) S87°49'26"W 62.69 feet to the point of beginning.

Tax Parcel No.: J-I0-33-400-010

Parcel 2: A part of the Southeast 1/4 of Section 33, T2S, R7E, Superior Township, Washtenaw County, Michigan, being more particularly described as: Commencing at the Southeast corner of Section 33; thence S87°49'26"W 419.00 feet along the South line of said Section 33 (Clark. Road); thence N01°36'00"W 348.00 feet to the point of beginning; thence N01°36'00"W 104.00 feet; thence N87°49'26"E 369.87 feet to a point on the westerly right of way line of Prospect Road; thence along said right of way on a curve to the right 108.27 feet, said curve having a radius of 797.63, central angle of 07°46'39" and long chord bearing S13°49'53"W 108.19 feet; thence S87°49'26"W 341.08 feet to the point of beginning.

Tax Parcel No.: J-I0-33-400-011

Exhibit C
**CHARTER TOWNSHIP OF SUPERIOR
3040 N. PROSPECT ROAD
YPSILANTI, MI 48198**

**SUPERIOR CHARTER TOWNSHIP BOARD
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TELEPHONE (734) 482-6099

FAX (734) 482-3842

SITE GRADING/SETBACK CERTIFICATION

DATE _____

SITE ADDRESS _____

OWNER'S ADDRESS _____

TELEPHONE NUMBER _____

BUILDING PERMIT NUMBER _____

I certify that I have checked the distances from the side, rear, and front lot lines of the building(s) as well as building elevation, site and easement grades and find that the construction conforms with the Township approved engineering plans, except as specifically noted below.

Printed name of Professional Land Surveyor

Michigan Registration Number

Date _____

Signature and Seal of
Professional Land Surveyor

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Green, Phillips

Nays: Lewis

Absent: Caviston

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The motion carried.

**C. HYUNDAI SPECIAL ASSESSMENT DISTRICT
RESOLUTIONS 3 & 4**

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board adopt the following resolution:

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

JUNE 18, 2007

SPECIAL ASSESSMENT RESOLUTION NO. 3

Minutes of a regular meeting of the Township Board of the Charter Township of Superior, County of Washtenaw, State of Michigan, held in the Township on the 18th day of June, 2007, at 7:30 p.m., Eastern Daylight Time.

PRESENT: Members: McFarlane, Williams, McKinney, Green, Lewis, Phillips
ABSENT: Members : Caviston

The following preamble and resolution were offered by Member Williams and supported by Member Lewis:

WHEREAS, the Township Board of the Charter Township of Superior, County of Washtenaw, State of Michigan (the "Township"), pursuant to Act 188, Public Acts of Michigan, 1954, as amended (the "Act"), tentatively declared its intention to undertake certain public improvements consisting generally of the improvements described on Exhibit A to this resolution; and

WHEREAS, after due and legal notice, the Township Board met on June 18, 2007, at 7:30 o'clock p.m., Eastern Daylight Time, and heard all persons in interest therein at said first hearing with respect to the proposed public improvements and the special assessment district; and

WHEREAS, the Township Board has decided to proceed with the public improvements described on Exhibit A hereto.

**SUPERIOR CHARTER TOWNSHIP BOARD
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NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Township Board hereby determines that the public improvements described in Exhibit A attached hereto and made a part hereof are necessary for the health, safety and welfare of the Township and that said public improvements shall be made and completed pursuant to the Act.

2. The Township Board hereby approves the plans and estimate of cost for the public improvements (including the cost of plans, construction, financing, and all other costs incident to the public improvements) in the total sum of Two Million, Five Hundred Thousand (\$2,500,000.00) Dollars, as prepared and presented by Orchard, Hiltz, McCliment, Inc. of Livonia, Michigan. Of the aforesaid total cost of the project, the sum of One Million, Five Hundred (\$1,500,000.00) Dollars will be spread against the hereinafter named special assessment district pursuant to the Act.

3. The Township Board finally determines that said special assessment district shall consist of all of the lots and parcels of land described in Exhibit B attached hereto and made a part hereof and that the existence of said special assessment district shall be maintained until all special assessments payable on the roll hereinafter described, and any bonds issued in anticipation of such special assessments, have been paid.

4. The Township Supervisor is hereby directed to make a special assessment roll in which shall be described all the parcels of land to be assessed as above set forth, with the names of the owners thereof, if known, and the total amount to be assessed against each parcel of land, which amount shall be such relative portion of the whole sum to be levied against all parcels of land in the assessment district as the benefit to such parcel of land bears to the total benefit of all parcels of land in the special assessment district.

5. When the Township Supervisor shall have completed the special assessment roll, the Township Supervisor shall affix thereto a certificate stating that said roll was made pursuant to a resolution of the Township Board of the Township adopted on the date of adoption of this resolution, and that in making the assessment roll the Supervisor has, according to the Supervisor's best judgment, conformed in all respects to the directions contained in said resolution and the statutes of the State of Michigan, and the Supervisor shall then report the special assessment roll, with the certificate attached thereto, to the Township Board.

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and they hereby are rescinded.

**SUPERIOR CHARTER TOWNSHIP BOARD
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AYES: Members: McFarlane, Williams, McKinney, Green, Lewis, Phillips
NAYS: None
ABSENT: Caviston

RESOLUTION DECLARED ADOPTED.

Kay Williams, Superior Charter Township Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Charter Township of Superior, County of Washtenaw, State of Michigan, at a regular meeting held on June 18, 2007, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Kay Williams, Superior Charter Township Clerk

**SUPERIOR CHARTER TOWNSHIP BOARD
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EXHIBIT A

Public Improvements

Project Description. The proposed project consists of all work shown on the approved Road Improvement Plans dated February 22, 2007, including reconstruction and widening of LeForge Road to a three lane cross section (northbound, southbound and center left turn lane) from 150 feet south of the entrance to the Hyundai facility to 150 feet north of Geddes Road, with improvements designed for a 50 mile per hour (MPH) design speed. The project also includes the construction of a right turn lane into the south Hyundai entrance on LeForge Road, reconstruction and widening of Geddes Road to a three lane cross section (eastbound, westbound and center left turn lane) from 150 feet west of LeForge Road to 250 feet east of LeForge Road, with improvements designed for a 50 MPH design speed, construction of a right turn lane on eastbound Geddes at LeForge and a right turn lane on eastbound Geddes Road at the west Hyundai entrance. The project also includes the installation of a new traffic signal at the intersection of Geddes Road and LeForge Road and construction of all associated lane tapers per MDOT and AASHTO requirements. Furthermore, the project includes the installation of a new 16-inch ductile iron diameter water main and new non-motorized pathway along the entire LeForge and Geddes Road frontages of the Hyundai property. The relocation of several franchise utilities in the project area and the replacement of the drainage culvert crossing LeForge Road, south of Geddes, are also included in the project.

EXHIBIT B

Special Assessment District

10-32-100-007

OWNER REQUEST SU 32-1B-1A PCL " II-A " COM AT NE COR OF SEC 32, TH S 02-12-36 E 2178.18 FT TO A POB, TH CONT S 02-12-36 E 369.59 FT, TH S 87-33-10 W 1803.00 FT, TH S 02-12-36 E 108.00 FT, TH S 87-33-10 W 504.33 FT, TH N 02-00-37 W 2636.05 FT, TH N 87-03-35 E 1098.21 FT, TH S 02-12-36 E 2178.18 FT, TH N 87-03-35 E 1200.10 FT TO THE POB. PT OF NE 1/4 SEC 32, T2S-R7E. 75.40 AC. SPLIT ON 03/06/2007 FROM J -10-32-100-005, J -10-32-100-006;

10-32-100-003

ASSR REQ 06/08/04 SU 32-1A PCL "I" BEG AT NE COR OF SEC 32, TH S 02-12-36 E 2178.18 FT, TH S 87-03-35 W 1200.10 FT, TH N 02-12-36 W 2178.18 FT, TH N

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87-03-35 E 1200.10 FT TO POB. PT OF E 1/2 OF NE 1/4 SEC 32, T2S-R7E 60.00 AC.
SPLIT ON 06/09/2004 FROM J -10-32-100-001;

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Green, Lewis, Phillips

Nays: None

Absent: Caviston

The motion carried.

It was moved by Williams, supported by Lewis, that the Superior Charter Township Board adopt the following resolution:

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

JUNE 18, 2007

SPECIAL ASSESSMENT RESOLUTION NO. 4

Minutes of a regular meeting of the Township Board of the Charter Township of Superior, County of Washtenaw, State of Michigan, held in the Township on the 18th day of June, 2007, at 7:30 p.m., Eastern Daylight Time.

PRESENT: Members: McFarlane, Williams, McKinney, Green, Lewis, Phillips
ABSENT: Members: Caviston

The following preamble and resolution were offered by Member Williams and supported by Member Lewis:

WHEREAS, by resolution, the Township Board of the Charter Township of Superior County of Washtenaw, State of Michigan (the "Township"), determined to acquire and construct the public improvements described in Exhibit A attached hereto and made a part hereof and assess the cost thereof to the property benefitted by said improvements, all in accordance with Act 188, Public Acts of Michigan, 1954, as amended; and

**SUPERIOR CHARTER TOWNSHIP BOARD
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WHEREAS, the Supervisor has prepared and reported to the Township Board a special assessment roll assessing the cost of said improvements to the property benefitted thereby, with the Supervisor's certificate attached thereto.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll shall be filed with the office of the Township Clerk and shall be available for public examination during regular working hours on regular working days.
2. The Township Board shall meet at 7:30 p.m. on Monday, July 2, 2007, in the Township to review said special assessment roll and hear any objection thereto.
3. The Township Clerk shall cause notice of such hearing and the filing of the assessment roll to be published twice in *The Ypsilanti Courier*, Ypsilanti, Michigan, a newspaper of general circulation in the Township, prior to the date of the hearing, which first such publication shall be at least ten (10) days before the hearing, and shall cause notice of such hearing to be mailed by first class mail to all record owners of or persons in interest in property in the special assessment district, as shown on the last township tax assessment record of the Township, at least ten (10) full days before the date of said hearing. Said notice as published and mailed shall be in substantially the following form:

**NOTICE OF REVIEW OF SPECIAL ASSESSMENT
ROLL FOR ROAD IMPROVEMENTS
IN THE CHARTER TOWNSHIP OF SUPERIOR**

TO ALL RECORD OWNERS OF OR PERSONS IN INTEREST IN PROPERTY
DESCRIBED AS FOLLOWS:

10-32-100-007

OWNER REQUEST SU 32-1B-1A PCL " II-A " COM AT NE COR OF SEC 32, TH S 02-12-36 E 2178.18 FT TO A POB, TH CONT S 02-12-36 E 369.59 FT, TH S 87-33-10 W 1803.00 FT, TH S 02-12-36 E 108.00 FT, TH S 87-33-10 W 504.33 FT, TH N 02-00-37 W 2636.05 FT, TH N 87-03-35 E 1098.21 FT, TH S 02-12-36 E 2178.18 FT, TH N 87-03-35 E 1200.10 FT TO THE POB. PT OF NE 1/4 SEC 32, T2S-R7E. 75.40 AC. SPLIT ON 03/06/2007 FROM J -10-32-100-005, J -10-32-100-006;

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10-32-100-003

ASSR REQ 06/08/04 SU 32-1A PCL "I" BEG AT NE COR OF SEC 32, TH S 02-12-36 E 2178.18 FT, TH S 87-03-35 W 1200.10 FT, TH N 02-12-36 W 2178.18 FT, TH N 87-03-35 E 1200.10 FT TO POB. PT OF E 1/2 OF NE 1/4 SEC 32, T2S-R7E 60.00 AC. SPLIT ON 06/09/2004 FROM J -10-32-100-001;

TAKE NOTICE that a special assessment roll has been prepared and is on file in the office of the Township Clerk for public examination. Said special assessment roll has been prepared for the purpose of assessing the cost of the following described improvements to the above property benefitted therefrom:

Public Improvements

Project Description. The proposed project consists of all work shown on the approved Road Improvement Plans dated February 22, 2007, including reconstruction and widening of Leforge Road to a three lane cross section (northbound, southbound and center left turn lane) from 150 feet south of the entrance to the Hyundai facility to 150 feet north of Geddes Road, with improvements designed for a 50 mile per hour (MPH) design speed. The project also includes the construction of a right turn lane into the south Hyundai entrance on LeForge Road, reconstruction and widening of Geddes Road to a three lane cross section (eastbound, westbound and center left turn lane) from 150 feet west of LeForge Road to 250 feet east of LeForge Road, with improvements designed for a 50 MPH design speed, construction of a right turn lane on eastbound Geddes at Leforge and a right turn lane on eastbound Geddes Road at the west Hyundai entrance. The project also includes the installation of a new traffic signal at the intersection of Geddes Road and LeForge Road and construction of all associated lane tapers per MDOT and AASHTO requirements. Furthermore, the project includes the installation of a new 16-inch ductile iron diameter water main and new non-motorized pathway along the entire LeForge and Geddes Road frontages of the Hyundai property. The relocation of several franchise utilities in the project area and the replacement of the drainage culvert crossing LeForge Road, south of Geddes, are also included in the project.

TAKE FURTHER NOTICE that the Township Board will meet on Monday, the 2nd day of July, 2007, at 7:30 p.m., Eastern Daylight Time, at the Township Hall, 3040 N. Prospect Street, Ypsilanti, Michigan, for the purpose of reviewing said special assessment roll and hearing any objections thereto.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Township Clerk at or prior to the meeting to be held on July 2, 2007 and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special

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assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty-five days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Kay Williams, Superior Charter Township Clerk

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members: McFarlane, Williams, McKinney, Green, Lewis, Phillips

NAYS: None

ABSENT: Caviston

RESOLUTION DECLARED ADOPTED.

Kay Williams, Superior Charter Township Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Charter Township of Superior, County of Washtenaw, State of Michigan, at a special meeting held on June 18, 2007, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Kay Williams, Superior Charter Township Clerk

EXHIBIT A

Public Improvements

Project Description. The proposed project consists of all work shown on the approved Road Improvement Plans dated February 22, 2007, including reconstruction and

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widening of LeForge Road to a three lane cross section (northbound, southbound and center left turn lane) from 150 feet south of the entrance to the Hyundai facility to 150 feet north of Geddes Road, with improvements designed for a 50 mile per hour (MPH) design speed. The project also includes the construction of a right turn lane into the south Hyundai entrance on LeForge Road, reconstruction and widening of Geddes Road to a three lane cross section (eastbound, westbound and center left turn lane) from 150 feet west of LeForge Road to 250 feet east of LeForge Road, with improvements designed for a 50 MPH design speed, construction of a right turn lane on eastbound Geddes at LeForge and a right turn lane on eastbound Geddes Road at the west Hyundai entrance. The project also includes the installation of a new traffic signal at the intersection of Geddes Road and LeForge Road and construction of all associated lane tapers per MDOT and AASHTO requirements. Furthermore, the project includes the installation of a new 16-inch ductile iron diameter water main and new non-motorized pathway along the entire LeForge and Geddes Road frontages of the Hyundai property. The relocation of several franchise utilities in the project area and the replacement of the drainage culvert crossing LeForge Road, south of Geddes, are also included in the project.

EXHIBIT B

Special Assessment District

10-32-100-007

OWNER REQUEST SU 32-1B-1A PCL " II-A " COM AT NE COR OF SEC 32, TH S 02-12-36 E 2178.18 FT TO A POB, TH CONT S 02-12-36 E 369.59 FT, TH S 87-33-10 W 1803.00 FT, TH S 02-12-36 E 108.00 FT, TH S 87-33-10 W 504.33 FT, TH N 02-00-37 W 2636.05 FT, TH N 87-03-35 E 1098.21 FT, TH S 02-12-36 E 2178.18 FT, TH N 87-03-35 E 1200.10 FT TO THE POB. PT OF NE 1/4 SEC 32, T2S-R7E. 75.40 AC. SPLIT ON 03/06/2007 FROM J -10-32-100-005, J -10-32-100-006;

10-32-100-003

ASSR REQ 06/08/04 SU 32-1A PCL "I" BEG AT NE COR OF SEC 32, TH S 02-12-36 E 2178.18 FT, TH S 87-03-35 W 1200.10 FT, TH N 02-12-36 W 2178.18 FT, TH N 87-03-35 E 1200.10 FT TO POB. PT OF E 1/2 OF NE 1/4 SEC 32, T2S-R7E 60.00 AC. SPLIT ON 06/09/2004 FROM J -10-32-100-001;

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Green, Lewis, Phillips

**SUPERIOR CHARTER TOWNSHIP BOARD
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Nays: None

Absent: Caviston

The motion carried.

**D. WASHTENAW COUNTY CONSORTIUM FOR SOLID WASTE
MANAGEMENT DUES**

It was moved by McKinney, supported by Lewis, that the FY 2007 dues for \$75.00 be paid to the Washtenaw County Consortium for Solid Waste Management.

The motion carried.

11. PAYMENT OF BILLS

It was moved by Lewis, supported by Green, that the bills be paid as presented in the following amounts – Utilities Fund - \$1,126.24 for a total of \$1,126.24.

The motion carried.

12. PLEAS AND PETITIONS

McKinney asked Valerie Constance, Park Commissioner who was present, to tell the Park Commission that the Park Department Employees were doing an excellent job of maintaining the grounds and parks.

13. ADJOURNMENT

It was moved by McKinney, supported by Phillips, that the meeting adjourn.

The motion carried and the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Kay Williams, Clerk