

FIRST AMENDED  
DECLARATION OF RESTRICTIONS  
FOR  
CHICHESTER SUBDIVISION NO. 2

Recorded in Liber 152, Pages 20, 21 & 22

152020

This First Amended Declaration of Restrictions for Chichester Subdivision No. 2 is made on this 21st day of January, 1986, by GEORGETOWN HOMEOWNERS ASSOCIATION, a Michigan non-profit corporation with its principal address at P.O. Box 814, Rochester, Michigan 48063 (hereinafter referred to as the "Association").

RECITALS

WHEREAS, the Association is the duly appointed and authorized agent for the owners of certain property located in Avon Township (now known as Rochester Hills), County of Oakland, State of Michigan, which is more particularly described as:

Chichester Subdivision No. 2 - Part of the E. 1/2 of Section 5, T. 3 N., R. 11 E., Avon Township, Oakland County, Michigan, containing 90 lots, Numbered 96 through 185, both inclusive, and having an over-all area of 52.941 acres; Recorded in Liber 152 Pages 20, 21 & 22 OCR

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WHEREAS, under a date of November 26, 1975, all the then owners of the parcel of land developed at Chichester Subdivision No. 1 entered into an agreement with the Township, which agreement is recorded in Liber 6433, Pages 784 through 795, inclusive, Oakland County Records, and which agreement specifies in detail how Chichester Subdivisions are to be developed, and the rights,

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responsibilities and burdens of all Chichester Subdivision owners intended to be protected and to assume certain responsibilities pursuant to the Township's Zoning Ordinance relative to a planned unit development of a land parcel which incorporates park areas, as discussed and designed therein; and

WHEREAS, a Declaration of Restrictions for Chichester Subdivision No. 1 (hereinafter referred to as the "Basic Restrictions") was executed under date of November 27, 1974 and recorded in Liber 6411, Pages 34 through 47, inclusive, Oakland County Records. The said Basic Restrictions are completely explicit with respect to the rights and burdens upon the therein grantors, the Association, the Federal Housing Administration, Veterans Administration and mortgagees; and

WHEREAS, Article VI, Section 5 of the Agreement for Planned Unit Development provides for the annexation of certain properties, including the herewith proposed Subdivision, by amendment to said Agreement, which said Agreement has been executed by the Grantors therein and approved by the necessary parties; and

WHEREAS, the Association, by virtue of the Basic Restrictions, Paragraph 28, desires to amend, by authority granted to it by the owners of more than 66 2/3rds of the votes necessary to amend said Basic Restrictions, have done so by separate instrument and incorporate said amendments herein by reference; and

WHEREAS, the Association, by said vote, is further desirous of making any and all necessary amendments to the Declaration of Restrictions for Chichester Subdivision No. 2 in order to become

consistent with and incorporating by reference the provisions contained in the First Amended Declaration of Restrictions for Chichester Subdivision No. 1; and

NOW, THEREFORE:

I. These First Amended Restrictions for Chichester Subdivision No. 2 shall and do hereby incorporate by reference all of the terms, conditions and provisions of the Basic Restrictions, and the First Amended Declaration of Restrictions being executed simultaneously herewith, and same shall apply in full force and effect to the herewith Subdivision, except as follows:

A. Grantor herein shall be and is Georgetown Homeowners Association.

B. For purposes of these Restrictions, the term "Chichester Subdivision No. 2" shall be substituted for "Chichester Subdivision No. 1" wherever the latter appears in the Basic Restrictions.

C. Architectural control shall be exercised exclusively by the Georgetown Homeowners Association and/or its architectural control committee, with respect to all lots in Chichester Subdivision No. 2. The Association likewise shall retain architectural control and jurisdiction over the common areas (referred to as "Park Area" in the aforementioned Planned Unit Development Agreement with the Township and as described in the Plats of Chichester Subdivision No. 1 as Private Park A and in Chichester Subdivision No. 2 as "Private Parks B and C").

D. Grantor waives the right of annexing additional properties, as set forth in Article VI, Section 4 of the Planned Unit Development Agreement with the Township; it being specifically understood and agreed, however, that owners in Chichester Subdivision No. 2 shall in no way be excluded from the benefits recited in the aforesaid Article VI, Section 4, with respect to reciprocal negative easements, or equivalent.

E. That any building used or capable of being used for residential purposes and occupancy within or affected by the flood plain shall:

1. Build his or its residence to comply with the following:

(a) Said residents shall be served by streets within the proposed subdivision having surfaces higher than the elevation of the contour defining the flood plain limits.

(b) Have lower floors, excluding basements, a minimum of one foot higher than the elevation of the contour defining the flood plan limits.

(c) Have openings into the basement not lower than the elevation of the contour defining the flood plain limits.

(d) Have basement walls and floors, below the elevation of the contour defining the flood plain limits, watertight and designed to withstand hydrostatic pressures, which may be acting

from a water level equal to the elevation of the contour defining the flood plain limits, following methods and procedures outlined in Chapter 5, Type A construction and Chapter 6 for Class 1 loads found in "Flood Proofing Regulations" EP 1165 2 314, prepared by the Office of the Chief of Engineers, U.S. Army, Washington, D.C., June, 1972. Figure 5, Page 14.5 of the Regulations shows typical foundations, drainage and waterproofing details. This document is available, at no cost, from the Department of Natural Resources, Water Management Division, P.O. Box 30028, Lansing, Michigan 48909, or Department of Army, Corps of Engineers, Publications Depot, 890 South Pickett, Alexandria, VA 22304.

(e) Be equipped with a positive means of preventing sewer backup from sewer lines and drains which serve the building.

(f) Be properly anchored to prevent flotation.

2. The flood plain limits, as set by the Department of Natural Resources (Water Resources Commission), at the upstream edge of the proposed subdivision indicates an elevation of 925.2 (U.S.G.S.) and 902.9 at the downstream edge of such subdivision.

3. That the foregoing provisions of Paragraph I.E. with respect to the flood plain shall be binding and effective in perpetuity, and no filling or occupation

of the flood plain area will be allowed without the approval of the Department of Natural Resources, notwithstanding anything herein to the contrary.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this 21st day of January, 1986.

Witnesses:

GEORGETOWN HOMEOWNERS ASSOCIATION, a Michigan non-profit Corporation

Jeanne M. Vagnetti  
Jeanne M. Vagnetti

Fred Shuart  
Fred Shuart, Director

Paul S. Funk  
Paul S. Funk, Director

Faye A. Khorr  
Faye A. Khorr

Jean Woodcox  
Jean Woodcox, Director

Linda Pannuto  
Linda Pannuto, Director

Gerard K. Knorr  
Gerard K. Knorr

Bill Thomas  
Bill Thomas, Director

Fred Eberlein  
Fred Eberlein, Director

Mary S. Crow  
Mary S. Crow

Ken DeLashmutt  
Ken DeLashmutt, Director

STATE OF MICHIGAN )  
  ) SS.  
COUNTY OF OAKLAND )

On this 21st day of January, 1986, before me, a Notary Public, personally appeared the individually named Board of Directors of Georgetown Homeowners Association,\* to be known to be the persons described in and who executed the foregoing First

\* Fred Shuart, Paul S. Funk, Jean Woodcox, Linda Pannuto, Bill Thomas, Fred Eberlein and Ken DeLashmutt

Amended Declaration of Restrictions and acknowledge that they executed same as their free act and deed.

*Mary S. Crow*  
Notary Public, \_\_\_\_\_ County,  
Michigan  
My Commission Expires:

MARY S. CROW  
Notary Public, \_\_\_\_\_ County, MI  
My Commission Expires Aug. 27, 1998

Instrument drafted by: Peter Leto, Esq.  
4000 Livernois  
Troy, MI 48098

When recorded, return  
to: \_\_\_\_\_  
Peter Leto, Esq.  
4000 Livernois  
Troy, MI 48098