

# CASTLEBAR BUILDING RESTRICTIONS

See Attachment "A" for property legal description.

All lots hereafter conveyed by Developer or his successors shall be used for one-family residential purposes only and shall be further subject to the following restrictions.

Section One. All lots shall be subject to the zoning and building ordinances of Cambridge Township, Lenawee County, Michigan and shall be further subject to all laws, rules and regulations of the State of Michigan, the Lenawee County Health Department and the Department of Environmental Quality as such pertain to wells, sanitation and the established one hundred year flood plain.

Section Two. No lots shall be re-subdivided nor shall any easement or licenses be granted which provides for access to the lake across any lot, except Castle Bar Park. All lots in this subdivision shall be used exclusively for residential purposes.

Section Three. Except as provided below, no structure or other building shall be erected or permitted to remain on any lot other than one single family residential dwelling with a minimum of an attached two car garage and one storage or utility structure building. No structure shall be erected on any parcel that does not conform in general appearance and architecture with the dwelling on such lot.

The construction of the single family residential dwelling and gazebo (if any), shall be subject to the following: No mobile homes, tents, shacks, or similar structures shall be erected, moved onto or placed upon any lot for use as a residence, building or any structure for any other purpose. For purposes of this restriction, mobile home shall include any residence or structure substantially fabricated at a location or site other than the lot and is of a vehicular, portable design, or built on a chassis with or without wheels and capable of being moved from one site to another, and to be used with or without a permanent foundation, or any other steel frame assembly similar in design and purpose.

It is the intent of this restriction to require all residences, buildings and other structure to be "stick built", at the site and of quality construction, utilizing customary residential building materials and methods, to the exclusion of all mobile, manufactured or other similar buildings or structures. Roofs of all residences shall have a minimum pitch of 6/12 with a minimum soffit extension of 12 inches from the vertical face(s) of the dwelling. Interior ceiling heights shall be a minimum of 8 feet over a minimum of 89% of the first floor enclosed living area.

All residential dwellings shall be constructed with a minimum of two private inside bathroom facilities. No outside toilets shall be permitted. No waste shall be permitted to discharge into Loch Erin Lake, and all toilet facilities shall be inspected by the local or state health officers, or their designee. All residential dwellings shall be connected to the Loch Erin Drainage District sanitary sewer system. No on-site drain field systems shall be permitted.

Section Four. One unattached structure per lot and gazebo (if any) shall be allowed. Any unattached structures must be approved by the LEPOA Building Committee.

Section Five. No unlawful, noxious or offensive activities shall be carried on upon the lot nor shall anything be done which may be or may become an annoyance or nuisance to the neighborhood. .

No signs, except "For Sale Signs", or other mediums of advertising may be displayed on any Lot or from any dwelling. Commercial traffic generated from any lot, other than normal delivery

of services related to mail, UPS, Federal Express, garbage removal, lawn maintenance or activities normally related to non-commercial single family residential dwellings, shall constitute an offensive activity and a nuisance.

Section Six. All buildings constructed or erected on said lots must be built with new solid and permanent material, no aluminum siding may be used for the exterior surface of any structure to be situated upon any of the lots. All wood exteriors shall be stained or painted; no building shall have tar paper, brick siding or similar materials on the outside walls. The exterior surface of such structures shall be of brick; stone, cedar, vinyl, hardiboard, drivit or comparable building products, with at least 30% of roadside main level elevation from grade level to be brick or stone. No geodesic dome or earth covered homes may be built on any site. The exteriors of all buildings must be completed within six (6) months from the date that construction commences.

Section Seven. While no structure or pre-constructed home modules shall be moved onto any lot, including modular homes or trailers, pre-constructed wall panels may be utilized.

Section Eight. No dwelling or any other structure shall be erected, placed or altered on any lot until the building plans, specifications and site plan have been approved (at no cost) by the LEPOA, for conformity and harmony of external design, the location of the building with respect to set-back distances and conformity to deed restrictions. If the LEPOA fails to approve or disapprove such plans and specifications within thirty (30) days after the plans have been submitted for approval, approval shall be presumed.

Section Nine. No dwelling shall be erected, altered, placed or permitted on any lot not in conformance with the following minimum size requirements as to living area, exclusive of porches, breezeways and garages with no limitations as to minimum ground floor area except as permitted; measurements to be made of external walls:

One, bi-level and one and one half story	1600 square feet
Two story	2400 square feet
Tri-Level	2800 square feet

Measurements do not include basements or walkout basements.

Section Ten. Every building erected on any lot shall have a minimum roof pitch of 6/12 (6" of rise for every 12" horizontal distance).

Section Eleven. All construction undertaken on any dwelling must be under building permit issued by Cambridge Township, and shall meet all requirements thereof. No variance will be issued without approval of LEPOA. No dock shall encroach on any lot line as projected into the lake.

A. Lakefront lots shall have a minimum lakeside yard setback of fifty (50) feet, except lots 10, 11, 12 and 13 which shall have a minimum of thirty-five (35) feet.

B. No boat lifts or covers, floats or other structures extending into the lake more than thirty (30) feet shall be constructed or placed into or on said lake without the approval of the LEPOA.

C. All boat docks, pontoons or covers pertaining to lots thru 10 and 13 thru 20 shall be placed on the Easterly ½ of the lot when in the water.

D. Owner shall comply with the rules and regulations pertaining to the use of the lake as such shall be enacted and amended from time to time by the LEPOA.

Section Twelve. No structure, including fences shall be closer than thirty-five (35) feet from the lakefront lot line. No fences shall be constructed in any fashion on the lakeside of lakefront lots. Only an ornamental fence of metal, masonry, wood or a growing hedge, of not more than a three (3) foot height, which is commensurate with the surrounding area, may be placed along an adjoining lot line. Fences around swimming pools may be four (4) feet in height (or as shall be required by ordinance). No chain link fence shall be permitted on any lot.

Section Thirteen. No above ground pools of any kind are permitted on any lot.

Section Fourteen. No basement construction, temporary construction, garage, trailer, tent or mobile home shall be used as living quarters in whole or part at any time, and no trailers, motor coaches, house trailers, campers or similar vehicles shall be stored thereon (except Developer's temporary construction or sales trailer).

Section Fifteen. All recreation vehicles, vans, campers, boats, carts, trailers of any kind, wagons or related vehicles shall be stored inside a garage, when not in use.

Section Sixteen. All other equipment such as pertains to construction, landscaping, etc. shall be stored inside a completely enclosed building when not in use, except during construction of the dwelling or out building on said lot.

Section Seventeen. The number of dogs and cats per each residence shall not exceed two (2) animals.

Section Eighteen. No other animals, livestock or poultry of any kind shall be raised on any lot; except those mentioned above. Household pets may be kept provided they are not kept, bred or maintained for commercial purposes. Dogs shall not be permitted to run at large at any time. No dog runs or kennels of any kind will be permitted.

Section Nineteen. Satellite dishes exceeding thirty-six (36) inches shall not be permitted at any time on any lot or residence.

Section Twenty. No trash burning shall be allowed on any lot.

Section Twenty-one. No outdoor lighting nuisance shall be permitted.

Section Twenty-two. No signs shall be allowed in road right of ways.

Section Twenty-three. The owner of each lot shall belong to the LEPOA and shall be bound by the By-Laws, Articles, Rules and Regulations of the Association as they may be amended from time to time. All dues, assessments and special assessments levied against the lot owners, by the LEPOA shall constitute an obligation binding upon and running with the land. In the event of nonpayment, the Association may file a lien on the lot(s) by recording the appropriate lien with the Lenawee County Register of Deeds and may enforce such lien by foreclosure in the same manner that real estate mortgages may be foreclosed under Michigan Law.

Section Twenty-four. The grade level of each lot shall be such as to blend into the adjacent lot and the grade level for all dwelling construction shall be such as to provide necessary drainage away from dwelling.

Section Twenty-five. All dwellings shall be completed within one (1) year after the start of construction and no dwelling shall be occupied until it is fully completed, both inside and outside.

Section Twenty-six. No underground tanks to store any liquid whatsoever shall be constructed within any unit, except as required for the sewage disposal systems with the exception of ground water heat pump apparatus.

Section Twenty-seven. Driveways must be constructed in asphalt, concrete, brick or similar material. Gravel driveways are not permitted.

Section Twenty-eight. No more than five (5) boats or water craft of any kind including but not limited to motor craft, sailboats, fishing boats and jet skis may be docked in front of any lakefront lot at any time.

Section Twenty-nine. (Unless amended by the Developer) Restrictions in paragraphs 1-28 shall run with the land and shall bind the purchasers, successors, assigns and any persons claiming under them for twenty years. These restrictions shall be automatically extended for successive ten (10) year periods unless prior to the expiration of any 10 year period, an instrument changing, altering, amending or revoking these restrictions in whole or part signed by the then owners of record of 3/4th of the vote that have been recorded.

Section Thirty. The 20 foot private easements to Lenawee County Drain Commissioner for public drainage are for the use of roadway drainage, and are to be considered a grass waterway and no structures, shrubbery, trees or fences are permitted within the easement.

Section Thirty-one. Castle Bar Park shall never be converted to a residential lot.

Section Thirty-two. The elevation of the lower floor, excluding basement of all residential buildings shall be not less than 928.8 feet N.G.V. Datum.

Section Thirty-three. The basement opening of any residential building shall not have an elevation less than 927.8 feet N.G.V. Datum.

Section Thirty-four. All residential buildings having basement walls and floors lower than 927.8 feet N.G.V. Datum, shall be constructed watertight and reinforced to withstand hydrostatic pressure from a water level equal to 927.8 feet N.G.V. Datum.

Section Thirty-five. All residential buildings having construction at or lower than 927.8 N.G.V. Datum shall be equipped with a positive means of preventing sewer backups from sewer lines and drains which serve the building and shall be securely anchored to prevent floatation.

Section Thirty-six. The 100 year flood plain elevation of Loch Erin is defined by the Department of Environmental Quality at 927.8 feet N.G.V. Datum.

Section Thirty-seven. No Filling or occupation of the floodplain area will be allowed without prior written approval from the Michigan Department of Environmental Quality.

Section Thirty-eight. These restrictions number paragraphs 32-37 are to be observed in perpetuity, excluded from any time limitations set forth in the declarations, and may not be amended without approval of the DEQ.

Section Thirty-nine. HEALTH DEPARTMENT-HEALTH ADVISORIES. Results of the partial chemical analyses of water from test wells in the Preliminary Plat of Castle Bar for water hardness measured as CaCo<sub>3</sub> were between 324 and 341 mg/L. The Secondary Maximum Contaminate Level for hardness is 250 mg/L. A Secondary Maximum Contaminate Level is suggested non-enforceable limit for parameters found in drinking water that may affect aesthetic qualities and the public's acceptance of drinking water.

Water Hardness is primarily due to calcium and magnesium carbonates and bicarbonates, calcium sulfate, calcium chloride, magnesium sulfate and magnesium chlorides. Generally water softer than 50 mg/L is corrosive, whereas water harder than 80 mg/L leads to use of more soap. Excessive hardness leads to boiler scale deposits in pipes, heaters, boilers, reducing thermal efficiency and eventually plugging piping. Hardness may be treated by installation of a water softener.

Results of the partial chemical analyses of water from test wells in the Preliminary Plat of Castle Bar for Iron ranged from 1.0 to 1.6 mg/L. The Secondary Maximum Contaminate Level for iron is 0.3 mg/L. A Secondary Maximum Contaminate Level is a suggested non-enforceable limit for parameters found in drinking water that may affect the aesthetic qualities and the public acceptance of drinking water.

Iron is an aesthetic problem being an objectionable constituent of water supplies. Iron may impart reddish-brown staining of laundry, fountains and plumbing fixtures. Iron may impart a bitter astringent taste to water and can affect the taste of beverages at concentrations in excess of 1.0 mg/L. The amount of iron causing objectionable taste or staining is a small fraction of the amount of iron consumed in the daily diet. Iron can be removed by water filtration treatment processes, such as ion exchange and oxidation, followed by filtering. Iron is naturally occurring or it can be caused by corrosion of iron or steel piping or iron-producing bacteria. Concentrations of 1-5 ppm in ground water are common.

Results of the arsenic analysis of water from test wells in the Preliminary Plat of Castle Bar for arsenic ranged from 0.0110 to 0.0150 mg/L. The new EPA drinking water standard lowers the concentration of arsenic from 0.05 mg/L to 0.01 mg/L for certain public water supplies. The current Administrative Rule (R 560.414) within the document titled "On-Site Water Supply and Sewage Disposal for Land Divisions and Subdivisions" establishes a maximum contaminant level for arsenic of 0.05 mg/L through reference to EPA's October 1996 publication titled "Drinking Water Regulations and Health Advisories."

Arsenic is widely distributed in the environment and can be found in some foods such as shrimp and other seafood as well as drinking water. The presence of arsenic in drinking water may be due to natural deposits, extensive use as a pesticide agent, and from phosphate fertilizers containing arsenic. There is no visible color, taste or odor. Health effects of long-term exposures to elevated arsenic levels in drinking water supplies can lead to thickening and discoloration of the skin. Other effects may include irritation of the digestive tract leading to pain, nausea, vomiting and diarrhea. There may also be numbness in the feet and hands. These signs of arsenic toxicity generally do not develop unless levels in drinking water are greater than .3 mg/L parts per million (ppm).

Reverse osmosis (RO) distillation, and activated alumina water treatment devices may be the most effective and practical arsenic treatment methods for residential water supplies.

Reverse osmosis in some cases may remove up to 90 percent of the arsenic. Water softeners and activated carbon filters do not reduce arsenic levels effectively.

LENAWEE COUNTY HEALTH DEPARTMENT RESTRICTIONS for the  
PRELIMINARY PLAT OF CASTLE BAR are as follows:

- 1) Development shall be limited to construction of single family homes.
- 2) Each home shall be served by an individual well water supply located on the home owners property.
- 3) Each lot utilizing an individual onsite well water supply is subject to review by the Lenawee County Health Department. Each property owner shall demonstrate compliance with Lenawee County Health Department requirements before construction permit(s) are issued. Permits for construction of a well water supply system shall be obtained from Lenawee County Health Department prior to securing a building permit.
- 4) Wells shall:
  - a.) be finished below a depth of 80 feet.
  - b.) penetrate an impervious clay layer of 10' feet thick; and,
  - c.) be isolated 50 feet or more from sanitary sewers, pressure lines and grinder tanks.
- 5) If a well drilling contractor drills below 250' without obtaining adequate quantities of water and the depth is verified by the Lenawee County Health Department, the department may approve other specifications meeting criteria established by the Michigan Department of Environmental Quality for wells in Michigan Subdivisions.
- 6) Health Department restrictions shall run with the land and shall be binding upon all owner's.

Attachment "A"

Castle Bar part of the Northwest 1/4, Section 26, Town 5 South, Range 2 East, Cambridge Township, Lenawee County, Michigan, described as beginning 878.61 feet S 88° 01' 19" E along the East and West ¼ line of said Section 26 and 75.99 feet N 01° 08' 56" E from the West 1/4 corner of Section 26 aforesaid; thence N 01° 08' 56" E 284.26 feet; thence N 69° 58' 13" E 205.59 feet; thence along the arc of a 533.00 foot radius curve right 8.03 feet (chord bearing, distance and central angle being N 13° 36' 39" E 8.03 feet, 00° 51' 48"); thence along the arc of a 317.00 foot radius curve left 52.76 feet (chord bearing, distance and central angle being N 09° 16' 30" E 52.70 feet, 09° 32' 10"); thence S 69° 58' 13" W 203.85 feet; thence N 09°45' 27" E 239.83 feet; thence N 01° 15' 45" E 660.00 feet; thence S 87° 59' 29" E 392.79 feet, thence S 51° 00' 00" E 10.00 feet; thence following an intermediate traverse line S 18° 39' 48" W 95.98 feet; thence S 33° 32' 13" E 107.34 feet; thence S 89° 34' 40" E 541.06 feet; thence N 61° 43' 00" E 267.22 feet; thence S 80° 03' 52" E 105.00 feet; thence S 31° 29' 15" E 262.35 feet; thence S 63° 50' 08" W 509.78 feet; thence S 84° 49' 06" W 514.06 feet; thence S75° 02' 20"W 102.97 feet; thence S06° 53' 16" W 152.52 feet; thence S83°37'03"W 145.10 feet; thence S 00°42' 53" W 61.07 feet; thence leaving said intermediate traverse line and along the westerly line of Lot 21, Plat of Wicklow as recorded in Liber 19 of Plats, Pages 8 thru 11, Lenawee County Records, S 14° 03' 36" W 127.19 feet and S 01° 08' 56" W 280.04 feet; thence along the north line of Dalton Road N 88° 01' 19" W 250.03 feet to the point of beginning. Lots extend to the waters edge of Loch Erin. Containing 28 lots numbered 1 through 28 and Castle Bar Park and containing 17.54 acres within the intermediate traverse line and approximately 1.2 acres between the intermediate traverse line and the waters edge of Loch Erin for a total of approximately 18.73 acres.

## FIRST AMENDMENT TO RESTRICTIONS FOR CASTLEBAR BUILDING RESTRICTIONS

This First Amendment to the Restrictions for the plat of Castlebar for the Loch Erin Development recorded on July 29, 2005 in Liber 2303. Page 375 in the Lenawee County Register of Deeds Records is made for the purposes of extending, amending and supplementing said Restrictions as follows:

1. Section Three, Section Six and Section Ten of the Restrictions shall be superseded and replaced in their entirety by the following:

Section Three. Except as provided below, no structure or other building shall be erected or permitted to remain on any lot other than one single family residential dwelling with a minimum of an attached two car garage and one storage or utility structure building. No structure shall be erected on any parcel that does not conform in general appearance and architecture with the dwelling on such lot.

The construction of the single family residential dwelling and gazebo (if any) shall be subject to the following: No mobile homes, tents, shacks or similar structures shall be erected, moved onto or placed upon any lot for use as a residence, building or any structure for any other purpose. For purposes of this restriction, mobile homes shall include any residence or structure substantially fabricated at a location or site other than the lot and is of a vehicular, portable design, or built on a chassis with or without wheels and capable of being moved from one site to another, and to be used with or without a permanent foundation, or any other steel frame assembly similar in design and purpose. It is the intent of this restriction to require all residences, buildings and other structure to be "stick built" at the site and of quality construction, utilizing customary residential building materials and methods, to the exclusion of all mobile, manufactured or other similar buildings or structures. Roofs of all residences shall have a minimum pitch of 6/12 and porches to have a minimum of 4/12 with a minimum soffit extension of 12 inches from the vertical face(s) of the dwelling. Interior ceiling heights shall be a minimum of 8 feet over a minimum of 89% of the first floor enclosed living area.

All residential dwellings shall be constructed with a minimum of two private inside bathroom facilities.

No outside toilets shall be permitted. No waste shall be permitted to discharge into Loch Erin Lake, and all toilet facilities shall be inspected by the local or state health officers, or their designee. All residential dwellings shall be connected to the Loch Erin Drainage District sanitary sewer system. No on-site drain field systems shall be permitted.

Section Six. All buildings constructed or erected on said lots must be built with new solid and permanent material, no aluminum siding may be used for the exterior surface of any structure to be situated upon any of the lots. All wood exteriors shall be stained or painted; no building shall have tar paper, brick siding or similar materials on the outside walls. The exterior surface of such structures shall be of brick, stone, cedar, vinyl, hardiboard, drivit or comparable building products. No geodesic dome or earth covered homes may be built on any site. The exterior of all buildings must be completed within six (6) months from the date that construction commences.

Section Ten. Every building erected on *any* lot shall have a minimum roof pitch of 6/12 (6" of rise for every 12" horizontal distance) and porches to have a minimum roof pitch of no less than 4/12 (4" of rise for every 12" horizontal distance).