

CITY OF CHARLEVOIX
210 STATE ST. CHARLEVOIX, MICH. 49720

OFFICE OF PLANNING AND ZONING
Mike Spencer, City Planner/Zoning Administrator
210 State Street Charlevoix, MI. 49720
mspencer@cityofcharlevoix.org
(231)547-3265

November 14, 2008

Chris and Delores Monte
850 Petoskey Ave
Charlevoix, MI. 49720

Dear Mr. Monte,

After reviewing your parcel division application for a property transfer of .094 acres to the C & O Club at 850 Petoskey, the City is hereby issuing conditional approval for the transfer. The application meets all of the standards for approval defined in Title V, Chapter 53, Section 5.306. Under Section 5.305(c) the Zoning Administrator has the authority to condition approval of the property transfer. Based on this authority there is one condition that this approval is based on:

- 1) The applicant shall record the Eighth Amendment to the Master Deed as defined in Exhibit 1 with the Charlevoix County Register of Deeds.

Pursuant to Section 109a of the Land Division Act, as amended, the City of Charlevoix, its officers and employees are not liable if a building permit is not issued for a parcel less than one (1) acre in size that resulted from an approved division under the City of Charlevoix Parcel Division Ordinance.

Please feel free to contact me with any questions or comments you may have. Good luck with your project.

Regards,

Mike Spencer
City Planner/ Zoning Administrator

Attachment: Exhibit 1. Eighth Amendment to Master Deed.

CC: Charlevoix County Equalization Department.

EIGHTH AMENDMENT TO MASTER DEED

THIS EIGHTH AMENDMENT TO MASTER DEED is made and executed on this ____ day of _____, _____, by the C&O Club Association, a Michigan nonprofit corporation, with offices located at 131 C&O Club Drive, Charlevoix, Michigan 49720 (hereinafter referred to as the "Association").

RECITALS

- A. The Association is a nonprofit corporation organized under Michigan law, which is comprised of the Co-owners of the C&O Club, Charlevoix County Condominium Subdivision Plan No. 64 (the "Condominium").
- B. The Association is, pursuant to the Master Deed of the Condominium recorded at Liber 338, Pages 277 through 346, inclusive, of Charlevoix County Records, and subsequent amendments thereto (collectively the "Master Deed"), authorized and duty bound to "administer, operate, manage and maintain the Condominium."
- C. By virtue and means of a duly authorized ballot and vote conducted by the Association, written consent was cast and affirmed by a majority of Condominium Co-owners in excess of 66-2/3%, to further and additionally amend the Master Deed and the Condominium Subdivision Plan in the manner set forth below.

NOW, THEREFORE, TAKE NOTICE that the terms of the Master Deed are hereby further amended as follows:

1. The Master Deed shall hereby acknowledge that the Association has recently purchased and acquired certain real property situated contiguous to the Condominium, which recently acquired real property is located in the City of Charlevoix, Charlevoix County, Michigan and is described and depicted as Parcel "A-2" in attached Exhibit "A" (hereinafter referred to as the "Annexed Land").

2. The Master Deed, including the Condominium Bylaws attached thereto at Exhibit "A" and the Condominium Subdivision Plan attached thereto at Exhibit "B," is hereby amended in pertinent part to hereafter provide as follows:

- a. The Annexed Land shall constitute general common elements of the Condominium and may not be utilized, sold or otherwise conveyed as a separate parcel of land.

- b. The use of the Annexed Land shall be restricted to landscape buffer purposes.
- c. The provisions set forth within Paragraph 2(a) and 2(b) above may not be modified or extinguished without the written consent of the City of Charlevoix.

3. Any and all pertinent provisions of the Master Deed, including the Condominium Bylaws attached thereto at Exhibit "A" and the Condominium Subdivision Plan attached thereto at Exhibit "B," shall be deemed to have been modified when and as appropriate, so as to be consonant with the foregoing terms of this Eighth Amendment to Master Deed.

IN WITNESS WHEREOF this Eighth Amendment to Master Deed has been made and executed as of the date set forth above.

"ASSOCIATION"
C&O Club Association

By: Paul Hoelderle
Its: President

STATE OF MICHIGAN)
)ss
COUNTY OF CHARLEVOIX)

On this ____ day of _____, _____, the foregoing Eighth Amendment To Master Deed was executed and acknowledged before me by Paul Hoelderle, President for and on behalf of the C&O Club Association.

Charlevoix County, Michigan Notary Public
 My commission expires:

DRAFTED BY/RETURN TO:
Daniel B. Barron, Esq.
Barron & Engstrom, PLC
P.O. Box 309
Charlevoix, MI 49720
(231) 547-9950

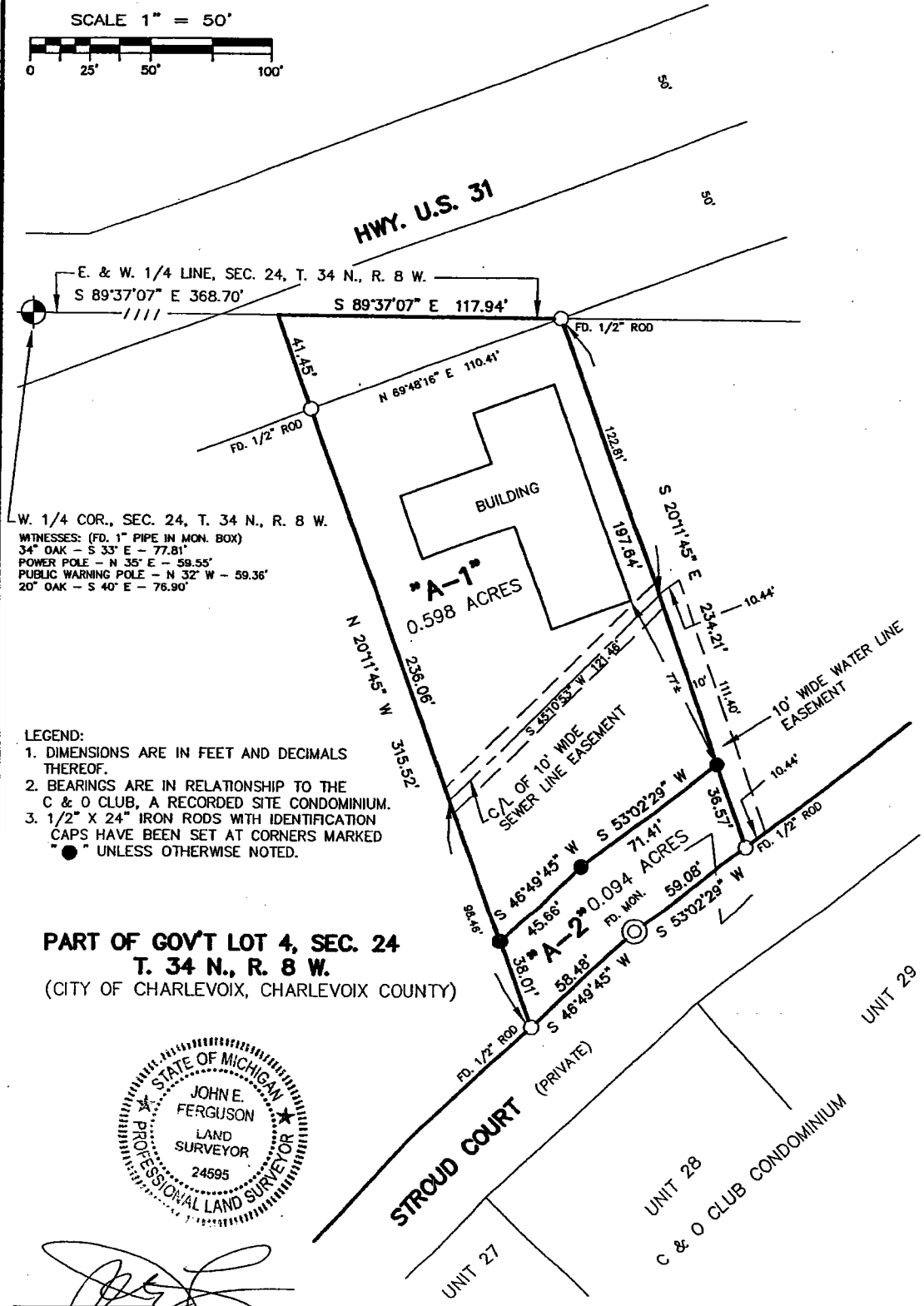
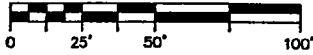
CERTIFICATE OF BOUNDARY SURVEY

SHEET NO. 1 OF 2

CERTIFIED TO: C & O CLUB ASSOCIATION
 ATTN. PAUL HOELDERLE
 131 C & O CLUB DRIVE
 CHARLEVOIX, MICHIGAN 49720



SCALE 1" = 50'

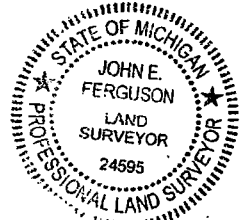


E. & W. 1/4 LINE, SEC. 24, T. 34 N., R. 8 W.
 S 89°37'07" E 368.70'
 S 89°37'07" E 117.94'

W. 1/4 COR., SEC. 24, T. 34 N., R. 8 W.
 WITNESSES: (FD. 1" PIPE IN MON. BOX)
 3" OAK - S 33° E - 77.81'
 POWER POLE - N 35° E - 59.55'
 PUBLIC WARNING POLE - N 32° W - 59.36'
 20" OAK - S 40° E - 76.90'

- LEGEND:**
1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 2. BEARINGS ARE IN RELATIONSHIP TO THE C & O CLUB, A RECORDED SITE CONDOMINIUM.
 3. 1/2" X 24" IRON RODS WITH IDENTIFICATION CAPS HAVE BEEN SET AT CORNERS MARKED "●" UNLESS OTHERWISE NOTED.

**PART OF GOV'T LOT 4, SEC. 24
 T. 34 N., R. 8 W.
 (CITY OF CHARLEVOIX, CHARLEVOIX COUNTY)**



[Signature]
 JOHN E. FERGUSON P.S. No. 24595

I HEREBY CERTIFY that I have surveyed and mapped the property hereon delineated and that the ratio of position closure of the unadjusted field data exceeds 1:5000; and that it complies with P.A. 132, 1970.

FERGUSON & CHAMBERLAIN ASSOCIATES, INC.
 PROFESSIONAL SURVEYORS
 103 W. UPRIGHT STREET, CHARLEVOIX, MICHIGAN 49720
 (231) 547-6882 - FAX (231) 547-0021
 EMAIL: survey@freeway.net

FIELD: S.P.-R.R.	STAKED: 10-28-08	DRAWN: R.C.
JOB: SB-22853c-08	DATE: 10-29-08	

DESCRIPTIONS FOR: C & O CLUB CONDOMINIUM ASSOCIATION
Job No. SB-22853c-08

PARCEL "A-1" (REMAINDER OF CHRIS MONTE PROPERTY):

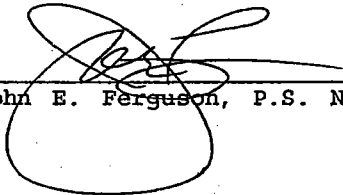
In the City of Charlevoix, Charlevoix County, Michigan, Commencing at the West 1/4 corner of Section 24, Town 34 North, Range 8 West; thence along the East and West 1/4 line of said section, South 89°37'07" East 368.70 feet, being the POINT OF BEGINNING of this description; thence continuing along said 1/4 line, South 89°37'07" East 117.94 feet to a 1/2 inch rod on the Southeasterly line of Highway U.S. 31; thence South 20°11'45" East 197.64 feet to a 1/2 inch rod; thence South 53°02'29" West 71.41 feet to a 1/2 inch rod; thence South 46°49'45" West 45.66 feet to a 1/2 inch rod; thence North 20°11'45" West 236.06 feet to a 1/2 inch rod on the Southeasterly line of Highway U.S. 31; thence continuing North 20°11'45" West 41.45 feet to the point of beginning, being a part of Government Lot 4, Section 24, Town 34 North, Range 8 West, and containing 0.598 acres within the perimeter of the courses herein described.

Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.

PARCEL "A-2" (PORTION TO BE DEEDED TO C & O CLUB):

In the City of Charlevoix, Charlevoix County, Michigan, Commencing at the West 1/4 corner of Section 24, Town 34 North, Range 8 West; thence along the East and West 1/4 line of said section, South 89°37'07" East 486.64 feet to a 1/2 inch rod on the Southeasterly line of Highway U.S. 31; thence South 20°11'45" East 197.64 to a 1/2 inch rod, being the POINT OF BEGINNING of this description; thence continuing South 20°11'45" East 36.57 feet to a 1/2 inch rod on the Northwesterly line of Stroud Court; thence along said Stroud Court (Northwesterly line of C & O CLUB CONDOMINIUM), South 53°02'29" West 59.08 feet to a concrete monument; thence continuing along aforementioned line, South 46°49'45" West 58.48 feet to a 1/2 inch rod; thence North 20°11'45" West 38.01 feet to a 1/2 inch rod; thence North 46°49'45" East 45.66 feet to a 1/2 inch rod; thence North 53°02'29" East 71.41 feet to the Point of Beginning, being a part of Government Lot 4, Section 24, Town 34 North, Range 8 West, and containing 0.094 acres within the perimeter of the courses herein described.

Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.


John E. Ferguson, P.S. No. 24595

