

# **RULES REGULATIONS AND PROCEDURES FOR ROAD CONSTRUCTION AND MAINTENANCE**

## **Section 1 – Purpose and Authority**

**Dead River Camper’s, Inc., by virtue of the Declaration and corporate by-laws has jurisdiction over all private roadway easements that cross Development lands. The following rules, regulations and procedures will serve to guide the membership when applying to improve existing private roadways or to develop new roadways that cross lots, common lands and/or the three hundred feet (300 ft.) wide no-cut zone that borders the high water elevation (Green Belt). It is intended that these rules and regulations will provide a uniform means for processing and approving applications for construction, use or maintenance of said roadways.**

## **Section 2 – Definitions**

**“Association” shall mean Dead River Campers, Inc., a Michigan corporation, acting through its Board of Directors.**

**“Common Lands” shall mean any property other than Lots within the Development.**

**“Construction” shall mean any activity, such as but not limited to, excavating, ditching, placing of embankment, cutting trees, removing stumps and etc.**

**“Declaration” shall mean that ownership document dated March 2, 2000, recorded in Liber 161, Pages 257 – 273, at the Marquette County Court House, Marquette, Michigan, which sets forth covenants and restrictions that run with the land and is binding on anyone who owns and interest in any land within the Development.**

**“Development” shall mean the property located in Marquette County, Michigan, described on Exhibit A attached to the Declaration which includes Common Lands, member Lots and vacant Lots.**

**“Green Belt” shall mean that 300 ft. wide strip of land that circles the Dead River Storage Basin starting at and commencing inland from elevation 1341.0 NGVD.**

**“Lot” shall mean any one of the Lots within the Development, the assessor’s plat and/or metes and bounds description of which is described on Exhibit B attached to the Declaration. “Lots” shall mean all such Lots.**

**“Permitee” shall mean the person/persons granted a permit for any activity related to roadways within private roadway easements that cross Development lands.**

**“Roadway” shall mean that portion of a transportation corridor used for vehicular access, including but not limited to ditches, spillways, clear vision areas, widenings for passing, snow storage and etc.**

**“Roadway Easements” shall mean that defined transportation corridor used for the construction, use and maintenance of roadways in the Development.**

**“Routine Grading” shall mean the periodic dragging of an appliance or piece of equipment to smoothen the surface of the road.**

### **Section 3 – General Requirements and Procedures**

**Article A. Improvements to Existing Roadways – All permitted activity must occur within the existing roadway easement.**

- 1. Any activity that would result in the damaging or removal of trees within the roadway easement will require a permit. In the event that tree removal is permitted, the stumps, logs, branches and other related debris shall be disposed of at a site off of Development property, said site to be provided by the person/s holding the permit (permitee). The permittee shall be responsible for proper disposal of the clearing and grubbing materials, even if the work and disposal is done by a contractor.**
- 2. Any activity other than routine grading shall require a permit.**
- 3. For any activity other than routine grading, where two or more Lot owners share access, all affected Lot owners must be signators to the permit and must agree among themselves as to sharing of cost.**
- 4. The Association shall be held harmless for all permitted activity within the Roadway Easement.**

**Article B. New Roadway Construction – Since all Lots in the Development were purchased with roadway access within the Development, any new or different roadway access across Common Lands, member Lots or vacant Lots shall be determined by the Association, in its sole discretion. In the event that a new roadway access is permitted:**

- 1. When a new Roadway access is to serve one Lot owner, a roadway easement across Common Lands will be established by a registered survey and recorded at the Marquette County Court House, with all associated costs to be borne by the permittee. A copy of the recorded survey shall become a part of the permit.**

2. **Where two or more Lot owners share access, all affected Lot owners must be in agreement as to the need of a new Roadway location and all shall be signators on the permit for the roadway relocation. A new Roadway Easement shall be established by a registered survey and recorded at the Marquette County Court House. A copy of the registered survey shall become a part of the permit. The permittees shall be responsible for all costs and legal proceedings associated with establishing and recording such new Roadway Easement and the abandonment of the existing Roadway Easement and they shall agree among themselves as to sharing of such cost.**

**As a condition for the issuance of a roadway relocation permit, all Lot owners involved in the relocation shall be required to legally abandon their easement rights in that portion of the original, existing roadway to be relocated and they shall do so using an abandonment agreement form to be provided by the Association.**

**The land occupied by the original, abandoned Roadway Easement shall revert back to the respective Lot owners on which the original, abandoned roadway was located and in the case where a portion of the new Roadway crosses Common Lands, it shall revert to the Association.**

3. **Every effort shall be exercised to minimize encroachment on the Green Belt when establishing a new roadway.**
4. **The Association shall be held harmless for all permitted activity within the roadway easement.**

**Article C. Roadway Easements - Roadway Easements shall be not more than twenty feet (20 ft.) in width centered on the Roadway, unless otherwise permitted by the Association.**

#### **Article D. Permitting Requirements**

1. **Any maintenance activity except routine grading, any construction activity or any use other than normal ingress or egress on a private Roadway within the Development shall require a permit from the Association.**
2. **Construction of a new Roadway within the Development shall require a permit from the Association.**
3. **When there is a need for special consideration involving a unique situation, for example, the delivery a long load requiring widening the inside of a curve or a wide load necessitating the trimming of branches, etc., this constitutes a special use of the Roadway and requires a permit from the Association.**

4. The appropriate Lot owners, as indicated in Articles A,c and B,b above shall apply for a permit by submitting to the Association a written description of what they propose, including any information such as drawings and pictures that will assist the Association in determining the merit of the request.
5. The Association shall review the written application as soon as is practicable and shall render a decision as to whether what is being proposed is permissible.
6. In the event a permit is granted, the Association may, from time to time, inspect the permitted activity to ascertain compliance with the permit.
7. All permitted activity shall comply with appropriate Local, State and Federal laws and regulations.

**Article E. Construction Standards – Since all costs of upgrading an existing or constructing a new Roadway are to be borne by the campers seeking the permit, thought should be given to the eventuality that one day, those people serviced by the road may want the Marquette County Road Commission (MCRC) to assume jurisdiction. Special MCRC standards apply in this case.**

**1. Alignment – horizontal and vertical**

- a. On existing Roadways, most of which have evolved over the years, changing alignment will only be allowed when it can be demonstrated that existing alignment constitutes a safety hazard or that the alignment adversely affects normal vehicular use.
- b. On new Roadways, alignment, both horizontal and vertical, shall be constructed with the flattest curves that are practical.

**2 Construction Standards**

**Roads permitted under these rules shall be constructed using appropriate and recognized construction standards.**

**ADOPTED 4-26-05**