

STATE OF MICHIGAN  
IN THE 16<sup>TH</sup> JUDICIAL CIRCUIT  
COUNTY OF MACOMB

THE MICHIGAN DEPARTMENT OF  
NATURAL RESOURCES AND  
ENVIRONMENT, and Rebecca A.  
Humphries, Director of the Michigan  
Department of Natural Resources and  
Environment.

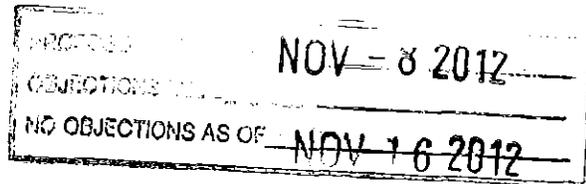
File No. 10-3789-CE

Honorable Richard L. Caretti

Plaintiffs,

v

THE CHARTER TOWNSHIP OF  
SHELBY, a Michigan Municipal  
Corporation, Shelby Soccer City, Inc,  
and Meram Building Co, Inc.



Defendants.

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FIRST MODIFICATION OF THE MARCH 9, 2012 CONSENT JUDGMENT  
BETWEEN MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
AND THE CHARTER TOWNSHIP OF SHELBY

In the 16<sup>th</sup> Judicial Circuit Court  
in the State of Michigan, on the  
\_\_\_\_\_ day of ~~NOV 16 2012~~ 2012.

Present: Honorable Richard L. Caretti, Circuit Court Judge

The Michigan Department of Environmental Quality (MDEQ) and the  
Charter Township of Shelby (Shelby Township) agreed that settlement of this action

was in the public interest and consented to the entry of the March 9, 2012 Consent Judgment ("Judgment").

Section XVI(B) of the Judgment provides for modifications. As evidenced by the signatures below, the Parties agree to and shall be bound by the Judgment and this First Modification of the Judgment.

NOW, THEREFORE, in lieu of an Evidentiary Hearing, and upon the consent of the Parties, by their attorneys, to also abide by this First Modification of the Judgment, it is hereby ORDERED, ADJUDGED AND DECREED:

1. Shelby Township provided a Conservation Easement which MDEQ alleged did not meet the requirements of Section VI(H) of the Judgment for the approximately 1.1 acre Wetland Restoration Area and 80 acres of remaining wetland on the Property.
2. The Conservation Easement submitted April 9, 2012 to MDEQ was not notarized and excluded portions of the Property that were to be included.
3. Based on MDEQ's Motion to Show Cause, the Court's August 27, 2012 Order required Shelby Township to provide proofs in support of the two excluded sections in the Conservation Easement by September 10, 2012 and to provide a notarized conservation easement by August 29, 2012. The April 2012 Conservation Easement was properly notarized and resubmitted.
4. On September 10, 2012, Shelby Township provided MDEQ "proofs" in support of the excluded sections in the Conservation Easement.

5. The "proofs" confirm that Shelby Township remains the property owner and title-holder of the excluded sections in the Conservation Easement and that the excluded sections have not been conveyed to any other entity.
6. Sections V and XV(A)(B) of the Judgment require Shelby Township to comply with all applicable state and federal laws including Part 301, Inland Lakes and Streams, MCL 324.30101 *et seq.* and Part 303, Wetlands Protection, MCL 324.30301 *et seq.*, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); and the administrative rules.
7. MDEQ's acceptance and filing of the August 30, 2012 Conservation Easement which excluded sections that include regulated resources delineated in white in the attached Exhibit A (DEQ Regulated Features Located Outside Existing Conservation Easement), does not limit or relieve Shelby Township from complying with Parts 301 and 303 of NREPA for those excluded sections, if required.
8. Wherefore, Shelby Township agrees and acknowledges that the excluded sections in the Conservation Easement contain regulated resources as identified in Exhibit A.
9. Shelby Township further agrees that prior to conducting any regulated activities in the excluded sections of the Conservation Easement it will obtain the necessary permits under Part 301 and/or Part 303 of NREPA.

SIGNATORIES

The signatories to this First Modification of the Consent Judgment certify that they are authorized to execute this Judgment and to legally bind the Parties they represent to the requirements of the Judgment and this First Modification.

FOR SHELBY TOWNSHIP:

By: \_\_\_\_\_

Dated: \_\_\_\_\_

By: [Signature]  
Robert S. Huth, Jr., P42631

Dated: 10-19-12

FOR PLAINTIFFS:

Michigan Department of Environmental Quality

By: [Signature]  
Dan Wyant, Director

Dated: 10/25/12

By: [Signature]  
Tonatzin M. Alfaro Maiz, P86542  
Assistant Attorney General

Dated: 10/22/12

IT IS SO ORDERED, ADJUDGED AND DECREED THIS \_\_\_ day of \_\_\_\_\_, 2012.

**RICHARD L. CARETTI**  
CIRCUIT JUDGE

Honorable Richard L. Caretti  
Circuit Court Judge

NOV 16 2012

LF:Shelby Charter Township/2007-3001693-B/Consent Judgment -- First Modification -- 2012

**A TRUE COPY**  
CARMELLA SABOURN, COUNTY CLERK

BY: [Signature], Court Clerk