

STATE OF MICHIGAN
IN THE 16TH 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, Meram Building Co, Inc.

Defendant.

Tonatzin M. Alfaro Maiz (P36542)
Assistant Attorney General
Attorney for the Plaintiffs
Environment, Natural Resources, and
Agriculture Division
P.O. Box 30755
Lansing, Michigan 48909
(517) 373-7540

Kirk & Huth, P.C.
Robert S. Huth, Jr. (P42531)
Patrick McKay (P72106)
Attorneys for Charter Township of Shelby
19500 Hall Road, Suite 100
Clinton Township, MI 48038
(586) 412-4900 fax (586) 412-4949

**SECOND MODIFICATION OF THE MARCH 9, 2012 CONSENT JUDGMENT, AS
AMENDED ON NOVEMBER 16, 2012, BETWEEN THE MICHIGAN DEPARTMENT
OF ENVIRONMENTAL QUALITY AND THE CHARTER TOWNSHIP OF SHELBY**

In the 16th Judicial Circuit Court
in the State of Michigan on

JUN 11 2014, 2014

Present: Honorable Richard L. Caretti, Circuit Court Judge.

Dept. of Attorney General
RECEIVED

JUN 16 2014

**NATURAL RESOURCES
DIVISION**

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”). The First Modification of the Judgment was entered by the Court on November 16, 2012. (First Modification)

On April 25, 2014, DEQ issued a Violation Notice of the Judgment to Shelby Township. The Parties reached an agreement to resolve the violations, that requires a Second Modification of the Judgment pursuant to Section XVI(B) which provides for modifications.

THEREFORE, in lieu of an Evidentiary Hearing, and upon the consent of the Parties, by their attorneys, as evidenced by the signatures below, the Parties agree to and shall be bound by the Judgment, as amended by the First Modification of the Judgment, and to also abide by this Second Modification of the Judgment.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Shelby Township shall implement soil stabilization, wetland restoration, and wetland planting activities as identified in the revised project plans approved by MDEQ on May 21, 2014. Said plans consist of plans prepared by Anderson, Eckstein and Westrick, Inc., and Fazal Kahn and Associates, titled: Charter Township of Shelby, former Soccer City Restoration (Chief Gene Shepard Park), being sheets 1-7, bearing the last revision date of April 18, 2014, and attached as Exhibit A. The soil stabilization, wetland restoration and wetland planting activities shall be completed by June 30, 2014.
2. The Inlet protection identified on sheet two of the plans attached as Exhibit A shall be replaced by June 30, 2014 and maintained as necessary until final site stabilization has been attained.

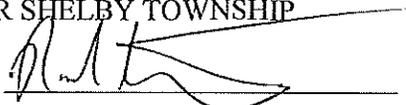
3. Shelby Township shall place signage along the Conservation Easement boundary on the property that clearly demarcates the boundaries of the easement premises. Sign placement spacing shall be positioned so each sign is visible from another sign posting.
4. Shelby Township further agrees that it shall monitor the wetland restoration area for three years commencing from the date of the completion of the required wetland plantings, June 15, 2014, including implementation of the Invasive species control plan identified in the approved plans attached as Exhibit A.

SIGNATORIES

The signatories to this Second 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, the First Modification of the Judgment, and this Second Modification of the Judgment...

FOR SHELBY TOWNSHIP

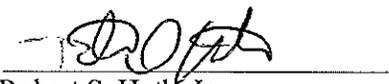
By: _____



Dated: _____

5/20/2014

By: _____



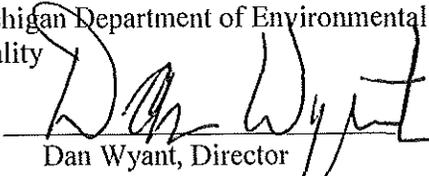
Robert S. Huth, Jr.

Dated: _____

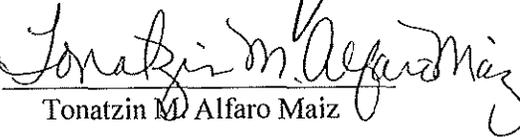
5/20/2014

FOR PLAINTIFFS:

Michigan Department of Environmental
Quality

By: 
Dan Wyant, Director

Dated: 6-2-14

By: 
Tonatzin M. Alfaro Maiz

Dated: May 27, 2014

IT IS SO ORDERED, ADJUDGED AND DECREED THIS ____ day of _____,
2014.

RICHARD L. CARETTI
HONORABLE JUDGE

Honorable Richard L. Caretti

JUN 11 2014

A TRUE COPY
CARMELLA SABAUGH, COUNTY CLERK

BY: , Court Clerk

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30755
LANSING, MICHIGAN 48909

BILL SCHUETTE
ATTORNEY GENERAL

June 16, 2014

Clerk of the Court
Macomb County Circuit Court
40 North Main
Mount Clemens, Michigan 48043

Re: *MDNRE v The Charter Township of Shelby, et al*
Macomb Circuit No. 10-3789-CE; Judge Richard L. Caretti

Dear Clerk:

Please find enclosed an original Proof of Service on true copy of Second Modification of the March 9, 2012 Consent Judgment, as Amended on November 16, 2012, Between Michigan Department of Environmental Quality and the Charter Township of Shelby dated June 11, 2014 for filing in the above-referenced matter.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Simison".

Julie L. Simison
Legal Secretary
Environment, Natural Resources,
and Agriculture Division
(517) 373-7540

jls

Enclosures

cc: Patrick S. McKay
Karen Boase, DEQ
Dave Pingel, DEQ

STATE OF MICHIGAN
IN THE 16TH JUDICIAL CIRCUIT
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THE MICHIGAN DEPARTMENT OF
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Director of the Michigan Department of
Environmental Quality.

File No. 10-3789-CE

Honorable Richard L. Caretti

Plaintiffs,

v.

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

Defendants.

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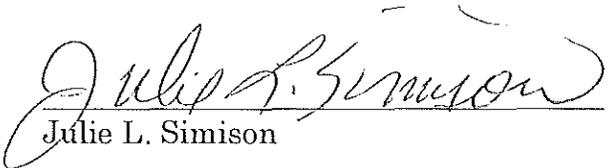
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Clinton Township, MI 48038
Telephone: (586) 412-4900
Fax: (586) 412-4949

PROOF OF SERVICE

On June 16, 2014, I sent by US First Class Mail, a true copy of the Second Modification of the March 9, 2012 Consent Judgment Between the Michigan Department of Environmental Quality and the Charter Township of Shelby dated June 11, 2014 (without Exhibit A) to:

ROBERT S. HUTH, JR.
KIRK & HUTH, P.C.
ATTORNEYS FOR CHARTER TOWNSHIP OF SHELBY
19500 HALL ROAD, SUITE 100
CLINTON TOWNSHIP, MI 48038

I declare that the above statement is true to the best of my knowledge, information, and belief.


Julie L. Simison

LF/Shelby Township/2007-3001593-B/POS 2014-6-16