



Michigan Department of Environmental Quality  
Remediation and Redevelopment Division

# **2017 Pilot Project**

## **Statewide Assessment of Restrictive Covenants**

Evaluating the effectiveness of restrictive covenants at 90 properties across Michigan



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September 2017

# Land and Resource Use Restrictions Review

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## BACKGROUND

Michigan's primary legislative authorities for the state cleanup program are Part 201 (Environmental Remediation) and Part 213 (Leaking Underground Storage Tanks) of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended (NREPA). Michigan's cleanup programs authorize the Michigan Department of Environmental Quality's (MDEQ), Remediation and Redevelopment Division (RRD) to set cleanup standards by considering how the contaminated land will be used in the future. Michigan's cleanup standards are risk-based and reflect the potential for human health or ecological risks from exposure to hazardous or regulated substances at contaminated sites.

When remedial actions completed at a facility under Part 201 or corrective actions completed at a site under Part 213 do not satisfy unrestricted residential cleanup criteria, a person may rely upon the imposition of land or resource use restrictions<sup>1</sup> to prevent exposure to environmental contamination left in-place at a property. Restrictive Covenants (RC) or deed restrictions recorded with county register of deeds are legal instruments used to impose land use or resource use restrictions where environmental contamination is present at a particular property. RCs serve three purposes: 1) inform prospective owners or tenants of the environmental conditions of the property; 2) ensure the long-term compliance with use restrictions that are necessary to prevent unacceptable exposure to environmental contamination and; 3) maintain the integrity of the remedy over time.

The MDEQ is aware of over 4,985 RCs recorded on properties in Michigan as part of remedial or corrective actions implemented under Part 201 and Part 213. See Attachment 1, the Land Resource and Use Restrictions Totals from July 2017, which breaks down the types of restrictions across the state.

## PROJECT DESCRIPTION

As part of the U.S. Environmental Protection Agency (U.S. EPA) 128a grant, the RRD proposed a pilot project assessment to evaluate the effectiveness of RCs imposed as part of remedial or corrective actions where environmental contamination is present at a particular property. The project was implemented under the subcategory of "Enhancement of the Response Program" during Fiscal Year 2017.

A steering committee was established to guide and develop the pilot project. The steering committee included one staff member from the RRD's Brownfield Redevelopment Unit (Ron Smedley), Compliance and Enforcement Section (Kevin Schrems), and Field Operations Section (Vicki Katko). In addition, the RRD Institutional Controls Technical and Program Support (IC TAPS) Team has been a resource for this pilot project. The IC TAPS Team includes staff from the RRD Field Operations Section, Compliance and Enforcement Section, and other MDEQ Divisions. It provides technical and program expertise to MDEQ staff, environmental consultants, and property owners to understand and implement the land or resource use restrictions currently allowed under Part 201 and Part 213.

This pilot project is comparable to a project conducted by the Cadillac RRD District Office in 2006. The Cadillac project examined 45 sites to determine the long-term effectiveness of closures where land or resource use restrictions (in the form of RCs) were implemented. The Cadillac project's results showed a 22 percent failure rate in the effectiveness of restrictions. Documents and forms utilized in the Cadillac project were reviewed to determine their appropriateness, and provided the basis for developing the forms used in this pilot project.

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<sup>1</sup> Part 201 of NREPA, Section 20101 and Part 213 of NREPA, Section 21310a.

The objectives of this pilot project are to:

- 1) Determine if the RCs were correctly filed with registers of deeds;
- 2) Determine whether properties changed ownership, and if so, whether the conditions of the RC were communicated with new owners or lessees of the properties; and
- 3) Determine whether the conditions of the RCs are being complied with.

#### **PURPOSE OF REVIEWS**

Monitoring of land or resource use restrictions ensures the long-term effectiveness and the integrity of the remedial or corrective actions completed. Currently, Part 201 and Part 213 do not establish a formal long-term monitoring and reporting program for all land or resource use restrictions. Therefore, the RRD conducted research into the effectiveness of RCs implemented across Michigan.

The MDEQ proposed the scope of work as a task conducted under the U.S. EPA 128a grant. As part of this task, the MDEQ agreed to develop the following outputs from this project:

- 1) A checklist to conduct RC reviews;
- 2) A systematic procedure for conducting the reviews;
- 3) Standardized reports on each site analyzed; and
- 4) A final report with suggestions for improving compliance to guide RRD management in future efforts.

The project's expected external outcomes will be improving compliance with RCs and informing the public about exposure risks to environmental contamination left in place at a particular property. The internal outcomes will be improving RRD's ability to determine which land uses or contaminated sites (Parts 201 or 213) require additional attention for future program development and determining which sites may require further assessment.

#### **METHODOLOGY/APPROACH**

The RRD Information Management Unit generated a list of 10 land or resource use restriction reference numbers at randomly selected sites for each District (totaling 90), where these restrictions were filed as part of the remedy. Five sites selected had other types of land or resource use restrictions, such as "Notice of Corrective Action", "Notice of Approved Environmental Remediation", or were otherwise too complex to evaluate the adequacy of recorded controls. In two instances, the site was replaced with another site located in the District. After selecting the sites, a "Declaration of Restrictive Covenant Compliance Monitoring Checklist" (Checklist) was set up for each site to gather information necessary to address the objectives listed above. It is included as Attachment 2.

Guidance developed by the steering committee directed project managers to conduct a records search to determine if the restriction has been correctly filed, contact governmental agencies including municipal offices and county health departments to gauge their awareness of the restriction, and perform a cursory site visit to visually note any discrepancies from what is described in the restriction that may be evident at the site. This guidance was assembled into a formal procedural memo (Attachment 3) for staff to follow.

The steering committee determined that formal requests for access (via correspondence) were not necessary to perform the RC review and site evaluation. Project managers determined when access to physical structures was necessary and whether to coordinate with individual property owners. However, in most cases, sites were publicly accessible and district staff utilized publicly available documents and made site observations from public rights of way.

The steering committee recommended that project managers should emphasize to owners/operators that the research is meant only to determine the overall application and conformity to the restrictions placed on properties to protect the public health, safety, welfare, and environment throughout the state. The pilot project was not specifically designed as a formal enforcement program, but the findings and suggestions for improvement to site conditions were provided to the owner.

Upon completion of the reviews, the Compliance and Enforcement Section sent review letters, an example is included as Attachment 4, to the contact persons at the site discussing the purpose of the project and provided the completed Checklist describing the findings and remarks about property conditions. Additionally, the "Property Owners Guide to Restrictive Covenants Imposed at Sites of Environmental Contamination" (Attachment 5) was included with the letter.

### **PROCESS AND IMPLEMENTATION**

Following the selection of the 90 sites for review, an initial trial using the Checklist was performed at five sites in order to provide a better understanding of the property status and how sites were being utilized. Minor changes to the Checklist and guidance memo were made resulting from the findings. The steering committee instructed project managers to utilize the guidance memo in their reviews.

The actions taken by the steering committee and project managers were:

1. Provided additional input on goals (outcomes) and outputs at March 2017 IC TAPS Team meeting and follow-up with Field Operations Section/District Managers.
2. Designed checklist.
3. Designed procedural memo for conducting reviews.
4. Reviewed and approved changes for checklist and procedure.
5. Designed draft site review report for internal use and compliance suggestions for owners/operators/responsible parties.
6. Presented a webinar regarding use of the checklist and compiling report information.
7. Randomly selected 10 sites for review in each district.
8. Adjusted selections of the sites based on their applicability to the study.
9. Performed reviews and supplemental report information and provided results to the steering committee.
10. Compiled information and produced report for review by IC TAPS Team.
11. Implemented suggested changes and approved draft for management.
12. Submitted recommendations for improvement or continuation of the program in the future.
13. Follow-up of review made with individual property owners.

### **RESULTS AND ANALYSIS**

The steering committee entered all of the site information into an Excel spreadsheet in order to evaluate the results of the reviews. The spreadsheet can be found as Attachment 6. Totals from each column were analyzed by the team and summarized below. Review and analysis of the data collected for this project resulted in identifying three important elements of the RC conditions: 1) If the RC had been correctly filed with the register of deeds; 2) If the owner/operator was aware of the restriction; and 3) Whether there was loss of effectiveness of the engineering controls, or other restrictions.

## 1. Filing

RCs Correctly Filed- 90 (100%)

2. Ownership changes<sup>2</sup>

Ownership change	If Owner aware?	Owner awareness %
38	17	44.7%
No change in ownership		
47	39	79.6%
Unknown change of owner		
6	Unknown due to incomplete data	Unknown due to incomplete data

## 3. Compliance with Restrictions

Number of RCs reviewed was 87, leaving 3 that had data failure (were not able to be reviewed)

Restrictions Substantially Complied With	Restrictions Substantially Complied With %	Sites with one or more restrictions needing attention	Sites with one or more restrictions needing attention %
74	85%	13	15.1%

Most sites, 85 percent, had substantial compliance with the restrictions imposed. Sites with noticeable conditions or that may require immediate attention included sites with: cracked pavement, broken monitor well caps, and non-conforming uses with zoning.

**OTHER ANALYTICAL FINDINGS**

## 1. Sites per district and number of Part 201 and Part 213 sites

District	# of Sites	# Part 201 Sites (Hazardous Substances)	# Part 213 Sites (Petroleum)	Counties in District with Sites
Cadillac	10	4	6	6
Gaylord	10	7	3	7
Grand Rapids	10	2	8	6
Jackson	10	2	8	5
Kalamazoo	10	3	7	5
Lansing	11	2	9	7
Saginaw Bay	10	1	9	5
Southeast Michigan	10	3	7	3
Upper Peninsula	9	2	7	6
Total	90	26	64	50

## 2. Size of sites

Total Acreage- 11,144.03

Sites under 0.5 acre = 32 (35.6%)

Sites between 0.5 acres and 3 acres = 32 (35.6%)

Sites between 3 and 40 acres = 23 (25.6%)

Sites more than 40 acres = 3 (1 site was 10,582 acres) (3.3%)

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<sup>2</sup> Ownership changes were noted in the completed 87 checklists.

3. On-site and Off-site restrictions:

Off-site restrictions- 5 (5.6%)

On-site restrictions- 85 (94.4%)

4. Land Use Categories

The 2010 amendments to Part 201 of the NREPA reduced the number of cleanup categories: residential, nonresidential, limited residential, limited nonresidential and site-specific upon approval. Nonresidential encompassed the former industrial category. Prior to the 2010 amendments, there were also four commercial receptor (i.e., worker) subcategories for the soil direct contact pathway. These were: Commercial I (equivalent to the residential criteria), Commercial II (equivalent to the industrial worker criteria), Commercial III (a worker performing low soil-intensive activities, such as a warehouse operator or someone who works in a plant nursery), and Commercial IV (a worker performing high soil intensive activities, such as a gardener or groundskeeper). As part of the amendments, the subcategories were combined into a single category to decrease the complexity of the program. The breakdown of land use restrictions in the RCs evaluated in this pilot project were:

Generic Commercial Land Use Categories<sup>3</sup>:

Commercial 1 = 5

Commercial 2 = 11

Commercial 3 = 28

Commercial 4 = 26

Industrial = 11

Residential = 9

Recreational = 6

5. Range of years that restrictions were filed included:

1994-1999 = 23 (25.6%)

2000-2005 = 29 (32.2%)

2006-2011 = 11 (12.2%)

2012-2016 = 25 (27.8%)

6. Activity and Use Limitations:

Groundwater Consumption = 73

Direct Contact/Exposure Barrier = 26

Volatilization to Indoor Air<sup>4</sup> = 22

Infiltration Barrier<sup>5</sup> = 6

Other<sup>6</sup> = 27

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<sup>3</sup> Some properties can have more than one allowable commercial land use.

<sup>4</sup> The MDEQ Environmental Response Networked Information Exchange database tracks (identifies) the type of restriction after it has been, with the category of Special Building (interpreted as the need for a vapor mitigation system).

<sup>5</sup> Data regarding infiltration barriers was determined from the site reviews only, as the MDEQ Environmental Response Networked Information Exchange database does not track this individually.

<sup>6</sup> Other may include: subsurface structures, building restrictions, soil management, special drilling conditions, and others.

## 7. Property use, sale, and redevelopment status:

Site Status	Property use the same as when restriction filed?	Baseline Environmental Assessment	Not for sale	For sale
In Use	79	28	79	1
Vacant	8	0	6	2

The site reviews indicated in three circumstances that a property was listed for sale. Only those properties with real estate signs were counted as “for sale” because it was otherwise not possible to determine if other vacant or in use properties were available for purchase.

The review found that eight of the properties had been redeveloped since the restriction was filed. One is currently a brownfield grant/loan project in Rochester, Michigan. Baseline environmental assessments had been conducted at 28 of the properties, indicating that a transaction had taken place, even though in most cases, the property use stayed the same. It would appear that the presence of the restriction does not negatively impact the purchase of the properties by new owners.

The steering committee determined that the presence of restrictions does not seem to impact the ability of sites to be redeveloped, on the contrary, correctly filed and maintained restrictions can benefit a future property owner/developer. Because the restrictions are recorded with the deeds, future purchasers can be informed of environmental conditions on the property without the need to conduct additional research, saving time and money.

**FURTHER RECOMMENDATIONS**

This final analysis is meant to provide adequate information to RRD management in order to determine to what extent that land and resource use restriction reviews will be conducted in the future, focusing limited resources on problem properties and improving recordkeeping. While results demonstrate that most of the RCs evaluated were in compliance with the restrictions, this pilot project assessed approximately 1.8% of the known recorded RCs across Michigan. Therefore, it is recommended that the RRD continue to periodically review and assess the long-term compliance with the RCs: to ensure the protection of public health, safety, and welfare; verify that subsequent property owners have been properly informed of the restrictions; and provide an opportunity to educate property owners of the restrictions.

In order to improve knowledge of future owners about site conditions, as demonstrated by more than half of new owners not aware of the environmental deed restrictions on their property, it is recommended that the property owner’s guide should be made more broadly available, including on-line, in district offices, and at county register of deeds offices.

The ability to cross reference sites with restrictions and Baseline Environmental Assessments (BEA) should be improved in the MDEQ Environmental Response Networked Information Exchange (ERNIE) database to allow for future record keeping and identifying when changes in ownership or property uses occur. This can be accomplished by having project managers check for recorded restrictions and note those in the BEA information. In addition, we found that some parcel identification numbers may be different now than when the restrictions were filed, i.e.; they may have been combined, split, or eliminated by the taxing jurisdictions. When possible, ERNIE should be updated when changes occur to the parcel identification numbers, such as when a BEA is filed, or another land or resource use restriction is filed for the site, in order to ensure that the restrictions are identified and new owners are informed of their obligations.

### **HIGHLIGHTED SITE REVIEWS**

A brief analysis was conducted for four sites (see Attachment 7) with restrictions recorded in order to provide a better understanding of the opportunities for redevelopment and protecting public health through the use of proper maintenance of land and resource use restrictions.

## Attachment 1

### Land Resource and Use Restrictions Classification Totals

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
REMEDATION AND REDEVELOPMENT DIVISION**

Date: 07/12/2017  
Source: ERNIE

**Land Resource and Use Restrictions Classification Totals by Program**      Page: 1 of 3

**State-wide**

**Program: Part 111      Program Total: 88      Acres: 4,000.6905      Square Miles: 6.2449**

<b>Restriction Classification</b>	<b>Restriction Count</b>
All Construction	6
Commercial I	4
Commercial II	8
Commercial III	10
Commercial IV	9
Excavation	30
Exposure Barrier	35
Groundwater Consumption	52
Health And Safety Plan	10
Industrial	13
Monitoring Well	10
Permanent Marker	14
Recreation	3
Residential	31
Site Specific	54
Soil Movement	33
Special Building	15
Special Well	3

**Program: Part 201      Program Total: 1077      Acres: 37,039.5586      Square Miles: 57.8936**

<b>Restriction Classification</b>	<b>Restriction Count</b>
All Construction	41
Commercial I	21
Commercial II	58
Commercial III	77
Commercial IV	79
Excavation	264
Exposure Barrier	223
Groundwater Consumption	526
Health And Safety Plan	106
Industrial	193
Monitoring Well	19
Multiple Land Use	10
Permanent Marker	122
Recreation	52

\* Note: For a detailed listing of the multiple restriction types within each program, refer to Land Use Restrictions Totals.

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
REMEDATION AND REDEVELOPMENT DIVISION**

Date: 07/12/2017  
Source: ERNIE

**Land Resource and Use Restrictions Classification Totals by Program**      Page: 2 of 3

**State-wide**

**Program: Part 201      Program Total: 1077      Acres: 37,039.5586      Square Miles: 57.8936**

<b>Restriction Classification</b>	<b>Restriction Count</b>
Residential	143
Site Specific	389
Soil Movement	203
Special Building	156
Special Well	38

**Program: Part 213      Program Total: 3908      Acres: 9,315.1658      Square Miles: 18.4672**

<b>Restriction Classification</b>	<b>Restriction Count</b>
All Construction	89
Commercial I	106
Commercial II	135
Commercial III	782
Commercial IV	368
Excavation	385
Exposure Barrier	529
Groundwater Consumption	1708
Health And Safety Plan	138
Industrial	164
Monitoring Well	47
Multiple Land Use	1
Permanent Marker	28
Recreation	104
Residential	376
Site Specific	1193
Soil Movement	389
Special Building	665
Special Well	140

**Program: Other      Program Total: 11      Acres: 1,793.9621      Square Miles: 2.8029**

<b>Restriction Classification</b>	<b>Restriction Count</b>
Groundwater Consumption	5
Health And Safety Plan	1
Permanent Marker	1
Site Specific	6

\* Note: For a detailed listing of the multiple restriction types within each program, refer to Land Use Restrictions Totals.

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
REMEDATION AND REDEVELOPMENT DIVISION

Date: 07/12/2017  
Source: ERNIE

Land Resource and Use Restrictions Classification Totals by Program Page: 3 of 3

State-wide

Program: Part 115 Program Total: 7 Acres: 541.4841 Square Miles: 0.8457

Restriction Classification	Restriction Count
All Construction	1
Excavation	4
Exposure Barrier	2
Groundwater Consumption	4
Health And Safety Plan	1
Industrial	1
Permanent Marker	2
Site Specific	4
Soil Movement	3

\* Note: For a detailed listing of the multiple restriction types within each program, refer to Land Use Restrictions Totals.

## Attachment 2

### Compliance Monitoring Checklist



## DECLARATION OF RESTRICTIVE COVENANT COMPLIANCE MONITORING CHECKLIST

### SECTION I. PROPERTY INFORMATION

DEQ RC REFERENCE NO:

DEQ District Office: ☐ Cadillac ☐ Gaylord ☐ Grand Rapids ☐ Jackson ☐ Kalamazoo ☐ Lansing ☐ Saginaw Bay  
☐ SE Michigan ☐ Upper Peninsula

Site or Facility Name:

Site or Facility ID No:

Site or Facility Street Address:

City:

Zip:

County:

Contact Person:

Phone:

Fax/E-mail:

Contact Person Street Address:

City:

Zip:

County:

State:

Property Tax ID No(s):

Land use type (*check all that apply*)

☐ Residential ☐ Recreational ☐ Agricultural ☐ Commercial ☐ Industrial ☐ Vacant

Surrounding Land Use Type (*check all that apply*)

☐ Residential ☐ Recreational ☐ Agricultural ☐ Commercial ☐ Industrial ☐ Vacant

Has property ownership changed? ☐ YES ☐ NO

*If yes, note details in Section III. Remarks.*

Is the property being leased or purchased on land contract? ☐ YES ☐ NO

*If yes, note details below in Section III. Remarks.*

Property zoning excludes residential use. ☐ YES ☐ NO ☐ N/A

Property zoning has not changed since the recording of the restrictive covenant. ☐ YES ☐ NO ☐ N/A

The restriction is recorded at the county register of deeds. ☐ YES ☐ NO

The recorded restriction was located upon inquiry. ☐ YES ☐ NO ☐ N/A

### SECTION II. VERIFICATION OF RESTRICTIONS:

*Indicate if the terms of the approved remedial or corrective action are being met by clicking YES, NO, or N/A. N/A indicates this restriction does not apply to the property. If the answer is NO, please explain in Section III. Remarks.*

Restrictions presented in RC (*check all that apply*): ☐ Land Use ☐ Groundwater ☐ Direct Contact/Exposure Barrier  
☐ Vapor Intrusion ☐ Infiltration Barrier ☐ Other:

Protective structure (engineered barriers such as caps, berms, buildings, etc.) on-property? ☐ YES ☐ NO ☐ N/A

Protective structures have retained their functional integrity. ☐ YES ☐ NO ☐ N/A

Is the protective structure free of erosion cracks or other evidence of degradation? ☐ YES ☐ NO ☐ N/A

If water wells are present at the property, are they being used in compliance with the restrictions? ☐ YES ☐ NO ☐ N/A

Has obvious unauthorized construction or excavation occurred? ☐ YES ☐ NO ☐ N/A

Was an exposure barrier other than concrete, asphalt, or gravel used? ☐ YES ☐ NO ☐ N/A

If yes, are there any ruts, surface impact, erosion or non-compliant incursions visible? ☐ YES ☐ NO ☐ N/A

All permanent markers, exposure barriers, and monitoring wells are in place as designed. ☐ YES ☐ NO ☐ N/A

Site security measures are in place and in working condition. ☐ YES ☐ NO ☐ N/A

Site security measures include: (*check all that apply*) ☐ signs ☐ fences ☐ gates ☐ security guard ☐ N/A

Is property owner aware of restrictions and what they mean? ☐ YES ☐ NO ☐ N/A

### SECTION III. REMARKS:

*Provide new owner/lessee information, if a change has occurred or other comments.*



## DECLARATION OF RESTRICTIVE COVENANT COMPLIANCE MONITORING CHECKLIST

### SECTION IV: CURRENT PROPERTY DESCRIPTION

*Briefly describe the current conditions and use of the property.*

*Describe any improvements made to the property, including new structures since the RC was recorded. Include a description of any building or activity that appears to be inconsistent with the approved land use restrictions.*

*Describe any need for repairs to protective structures, security measures, monitoring stations, permanent markers, or other features. Include observation of erosion, cracking, weed control, settlement, subsidence, excessive burrowing, etc.*

\*\*\*please take pictures (signed by photographer, dated, and direction the photographer was facing) to include in report

### SECTION V: DEQ INFORMATION

DEQ STAFF:

EVALUATION COMPLETED DATE:

DEQ STAFF SIGNATURE:

## Attachment 3

Guidance Memo to MDEQ Reviewers

## MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

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### INTEROFFICE COMMUNICATION

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TO: District Supervisors and Project Managers  
Remediation and Redevelopment Division (RRD)

FROM: Kevin Schrems, Compliance and Enforcement Section and Ron Smedley,  
Brownfield Redevelopment Unit, RRD

DATE: January 31, 2017

SUBJECT: Restrictive Covenant Pilot Project Review Guidance  
EPA 128a Brownfield Grant - LRUR Project

#### **Background:**

As part of the 2017 Environmental Protection Agency 128a grant, the Remediation and Redevelopment Division (RRD) is performing a pilot project assessment to evaluate the effectiveness of restrictive covenants (RCs) imposed as part of remedial or corrective actions where environmental contamination is present at a particular property. Each site review is expected to take between 4-8 hours to complete, depending upon the distances to travel for site reviews. The expected completion date for these evaluations is May 31, 2017 in order to allow time for compiling the data.

To guide and develop the pilot project, a steering committee has been assembled consisting of one staff member from the RRD's Brownfield Redevelopment Unit (Ron Smedley), Compliance and Enforcement Section (Kevin Schrems), and Field Operations Section (Vicki Katko). In addition, the Institutional Controls TAPS Team has been and will continue to be used as an ongoing resource for this pilot project. *Any questions should be directed to Ron Smedley at 517-284-5153 or Kevin Schrems at 517-284-5149.*

This pilot project is comparable to a project conducted by the Cadillac District Office during the summer and fall of 2006. The Cadillac project examined forty-five (45) sites to determine the long-term effectiveness of closures where land or resource use restrictions were implemented. Documents and forms were used as templates for this project and modified as appropriate.

#### **Objectives:**

The objectives of this pilot project are to:

1. Determine if the RC was correctly filed with the Register of Deeds.
2. Determine whether the property has changed ownership, and if so, whether the conditions of the RC were communicated with the new owner or lessees of the property.
3. Determine whether the conditions of the RC are being met.
4. Determine whether governmental agencies including municipal offices and county health departments are aware of the RC.

#### **Approach:**

The RRD Information Management Unit has generated a list of ten (10) DEQ RC Reference Numbers at randomly selected sites for each District, where RCs have been filed as part of the

remedy. To gather information necessary to address the objectives listed above, a “Declaration of Restrictive Covenant Compliance Monitoring Checklist” (Checklist) is included as Appendix B.

Formally requesting access (via correspondence) is not necessary to perform the RC review and site evaluation; however, District Staff may informally request voluntarily access to any physical structures designed as part of the long-term compliance with the restrictions. Upon contact with owners/operators, District Staff will have the opportunity to discuss the purpose of the project and provide an informational guide related to restrictive covenants (currently under development with the Office of External Affairs - Public Affairs and Outreach Section). In addition, a completed Checklist will be provided to the property owner to describe the findings and remarks important for the property owner to know.

### **General Instructions for Performing RC Review:**

Note – a detailed “Who Does What” process is included as Appendix A.

District Staff (selected at the discretion of the District Supervisors) will:

1. **RC Review** – To print out a copy of the RC from ERNIE, open ERNIE and go to Tracking/Land Resource Use Restriction and enter the DEQ Reference Number. Double click the Facility Name to open the details for the site. Then click the “Mapping” tab and select “Open PDF...” to the right of the Hyperlink. The RC may also be found via Environmental Mapper, District site file, or Record Center. Note that a full file review is not necessary in order to complete the Checklist. Records in ERNIE or SID can be reviewed to ensure that site information is correctly recorded; however, staff should be familiar with:
  - The type of restrictions filed,
  - The location of any permanent markers required to be at the facility as part of the remedy, and
  - The specific language of the restrictions and requirements to maintain specific components of the restrictions. Liber and page number should be noted.
2. **Site Evaluation** - The site evaluation consists of a physical inspection of the conditions and records available at the property. Use of the Checklist is necessary to document the conditions. Photographs should be taken to document compliance with the restrictions. District Staff should call the owner/operator prior to visiting the site and set up a mutual time to conduct the visit, with or without the owner. In some cases, this may not be possible, and therefore a site visit can take place if the location is normally open to the public. Should access not be given voluntarily, this should be noted in the Checklist under “Section III. Remarks” and will be considered a data failure.
3. **RC Records/Verification** - Depending on the restrictions, a visit to the Register of Deeds office in the applicable county may be required. Some counties may provide access to records via the internet. If there are restrictions on groundwater, it is recommended that the local health department be contacted to confirm awareness of any restrictions present and that the appropriate health department staff have a copy of the restrictions.
4. **Optional File Review**- If questions regarding the nature or purpose of the restrictions identified during review of the restrictive covenant, staff may conduct a cursory review of the site file to determine the components of the remedial or corrective actions implemented at the site and how any filed restrictions are part of the closure or remedy.

## Appendix A RC Pilot Project Process

Who does what:

Step	Who	Does What
1	District Staff	Retrieves RC from ERNIE, Environmental Mapper, District file, or Record Center if necessary.
2	District Staff	Conducts a cursory file review to determine the conditions of the property including maximum contaminant levels.
3	District Staff	Establishes an electronic resource restriction file for each site containing information on current conditions and the nature of the closure (i.e. select soil and groundwater data, deed restriction, excerpts from closure document).
4	District Staff	Verifies with the appropriate Register of Deeds office that the deed restrictions can readily be located and are recorded accurately.
5	District Staff	Contacts current owners/operators to determine if they are aware of the requirements of the RC.
6	District Staff	Conducts site visit to determine if the current property use conforms to limitations detailed in the RC and also, if applicable, that any physical element installed as part of a limited/restricted closure is being maintained.
7	District Staff	Contacts local health departments or relevant municipal departments (public works, city planning/zoning) to determine if they are aware of the requirements of the RC.
8	District Staff	Records all information gathered on the Checklist for placement in the resource restriction file.
9	District Staff	Places all completed checklists and other relevant documents into the appropriate District file on the S or T: Drive \\ Field Operations Section\LRUR District Checklists
10	District Staff	Informs LRUR Review Team (Ron Smedley or Kevin Schrems) that the reviews are complete.
11	LRUR Team	Compiles information on each site and writes final report.
12	District Staff	Mails Checklist with suggestions as needed for improvement to the property owner.

**Appendix B**  
**Declaration of Restrictive Covenant Compliance Monitoring Checklist**



## DECLARATION OF RESTRICTIVE COVENANT COMPLIANCE MONITORING CHECKLIST

### SECTION I. PROPERTY INFORMATION

DEQ RC REFERENCE NO:

DEQ District Office: ☐ Cadillac ☐ Gaylord ☐ Grand Rapids ☐ Jackson ☐ Kalamazoo ☐ Lansing ☐ Saginaw Bay  
☐ SE Michigan ☐ Upper Peninsula

Site or Facility Name:

Site or Facility ID No:

Site or Facility Street Address:

City:

Zip:

County:

Contact Person:

Phone:

Fax/E-mail:

Contact Person Street Address:

City:

Zip:

County:

State:

Property Tax ID No(s):

Land use type (*check all that apply*)

☐ Residential ☐ Recreational ☐ Agricultural ☐ Commercial ☐ Industrial ☐ Vacant

Surrounding Land Use Type (*check all that apply*)

☐ Residential ☐ Recreational ☐ Agricultural ☐ Commercial ☐ Industrial ☐ Vacant

Has property ownership changed? ☐ YES ☐ NO

*If yes, note details in Section III. Remarks.*

Is the property being leased or purchased on land contract? ☐ YES ☐ NO

*If yes, note details below in Section III. Remarks.*

Property zoning excludes residential use. ☐ YES ☐ NO ☐ N/A

Property zoning has not changed since the recording of the restrictive covenant. ☐ YES ☐ NO ☐ N/A

The restriction is recorded at the county register of deeds. ☐ YES ☐ NO

The recorded restriction was located upon inquiry. ☐ YES ☐ NO ☐ N/A

### SECTION II. VERIFICATION OF RESTRICTIONS:

*Indicate if the terms of the approved remedial or corrective action are being met by clicking YES, NO, or N/A. N/A indicates this restriction does not apply to the property. If the answer is NO, please explain in Section III. Remarks.*

Restrictions presented in RC (*check all that apply*): ☐ Land Use ☐ Groundwater ☐ Direct Contact/Exposure Barrier  
☐ Vapor Intrusion ☐ Infiltration Barrier ☐ Other:

Protective structure (engineered barriers such as caps, berms, buildings, etc.) on-property? ☐ YES ☐ NO ☐ N/A

Protective structures have retained their functional integrity. ☐ YES ☐ NO ☐ N/A

Is the protective structure free of erosion cracks or other evidence of degradation? ☐ YES ☐ NO ☐ N/A

If water wells are present at the property, are they being used in compliance with the restrictions? ☐ YES ☐ NO ☐ N/A

Has obvious unauthorized construction or excavation occurred? ☐ YES ☐ NO ☐ N/A

Was an exposure barrier other than concrete, asphalt, or gravel used? ☐ YES ☐ NO ☐ N/A

If yes, are there any ruts, surface impact, erosion or non-compliant incursions visible? ☐ YES ☐ NO ☐ N/A

All permanent markers, exposure barriers, and monitoring wells are in place as designed. ☐ YES ☐ NO ☐ N/A

Site security measures are in place and in working condition. ☐ YES ☐ NO ☐ N/A

Site security measures include: (*check all that apply*) ☐ signs ☐ fences ☐ gates ☐ security guard ☐ N/A

Is property owner aware of restrictions and what they mean? ☐ YES ☐ NO ☐ N/A

### SECTION III. REMARKS:

*Provide new owner/lessee information, if a change has occurred or other comments.*



## DECLARATION OF RESTRICTIVE COVENANT COMPLIANCE MONITORING CHECKLIST

### SECTION IV: CURRENT PROPERTY DESCRIPTION

*Briefly describe the current conditions and use of the property.*

*Describe any improvements made to the property, including new structures since the RC was recorded. Include a description of any building or activity that appears to be inconsistent with the approved land use restrictions.*

*Describe any need for repairs to protective structures, security measures, monitoring stations, permanent markers, or other features. Include observation of erosion, cracking, weed control, settlement, subsidence, excessive burrowing, etc.*

\*\*\*please take pictures (signed by photographer, dated, and direction the photographer was facing) to include in report

### SECTION V: DEQ INFORMATION

DEQ STAFF:

EVALUATION COMPLETED DATE:

DEQ STAFF SIGNATURE:

## Attachment 4

Post Review Letter to Owner/Operators

July 31, 2017

[Mr./Ms.][First][Last]  
[Title][Company]  
[Address]  
[City], Michigan [Zip]

Dear [Mr./Ms.] or [First] [Last]:

SUBJECT: Restrictive Covenant – **[insert MDEQ Reference Number]** for the **[insert Facility name, description, address or other identifier]**; [M]DEQ Facility ID No. **[insert Facility ID No]**

The **[Michigan]** Department of Environmental Quality (**[M]**DEQ) recently performed an evaluation of the restrictive covenant (RC) in place at the **[insert Facility name]**. The RC was placed on the property located at **[insert address of Facility]** and was recorded with the **[insert county name]** County Register of Deeds to ensure protection of public health, safety, and welfare.

The **[M]**DEQ conducted an evaluation of 90 randomly selected RCs out of nearly 5000 RCs recorded statewide. The purpose of the evaluation is to: 1) verify that the RC is properly recorded with the register of deeds; 2) determine if the current property owner is aware of the RC; and 3) determine if conditions at the property reflect the restrictions required in the RC. The evaluation found that: **1) [insert “the RC is/is not properly recorded”]; 2) [insert “the property owner was/ was not aware of the conditions of the RC at the time of review”]; and 3) [option A – “conditions at the property substantially complied with the restrictions contained in the RC”; option B - One or more conditions at the property may require your attention as identified in the enclosed Declaration of Restrictive Covenant Compliance Monitoring Checklist (Checklist)].**

For your review and records, enclosed is a copy of the Checklist and the Property Owner’s Guide to Restrictive Covenants Imposed at Sites of Environmental Contamination. If **you** have questions regarding the Checklist, please contact **[insert name]**, Project Manager, at **[insert phone number]** or via email at **[insert email address]**. If you would like a copy of the RC, or would like to learn more about Environmental Mapper, please contact Ron Smedley, Brownfield Coordinator at 517-284-5153 or via email at [smedleyr@michigan.gov](mailto:smedleyr@michigan.gov).

Sincerely,

Kevin Schrems, No Further Action Specialist  
Enforcement Unit  
Compliance and Enforcement Section  
Remediation and Redevelopment Division  
517-284-5149  
[schremsk@michigan.gov](mailto:schremsk@michigan.gov)

Enclosures

cc: **[insert project manager]**, [M]DEQ  
Ron Smedley, [M]DEQ

## Attachment 5

Property Owners Guide to Land and Resource Use Restrictions



# PROPERTY OWNER'S GUIDE TO RESTRICTIVE COVENANTS IMPOSED AT SITES OF ENVIRONMENTAL CONTAMINATION

## Guidance

### What is a Restrictive Covenant?

Restrictive covenants or deed restrictions are legal instruments recorded with the county register of deeds and are used to impose land use or resource use restrictions where environmental contamination is present at a particular property. Restrictive covenants serve three purposes: 1) inform prospective owners or tenants of the environmental conditions of the property 2) ensure the long-term compliance with use restrictions that are necessary to prevent unacceptable exposure to environmental contamination and 3) maintain the integrity of the remedy over time. Restrictive covenants may only be placed on a property deed with written consent of the property owner.

Restrictive covenants may be used in conjunction with engineering controls, which are physical controls that prevent human exposure to, or migration of, contamination. These controls limit direct contact with contaminated areas, reduce exposures, and control migration of contaminants through environmental media. Examples of engineering controls include capping (pavement, clean soil, gravel, etc.), vapor mitigation systems, containment, slurry walls, extraction wells, and treatment methods that minimize the spread of contamination.

### Why are Restrictive Covenants Necessary?

Michigan's environmental remediation programs authorize the Michigan Department of Environmental Quality to set cleanup standards by considering how the contaminated land will be used in the future. Michigan's cleanup standards are risk-based and reflect the potential for human health or ecological risks from exposure to hazardous or regulated substances at contaminated sites. Thus, a person may rely upon the imposition of land use or resource use restrictions, through instruments such as restrictive covenants, to manage risk by preventing exposure to environmental contamination left in-place at a property. For example, if corrective action has been completed at a property and the level of contaminants in the groundwater are in excess of drinking water cleanup criteria, the responsible party may prepare and record a restrictive covenant which prohibits the use of potable water wells on the property, thus preventing the risk of potential exposure to contamination remaining in the groundwater.



*Construction of a soil cover (exposure barrier) over the former Linden Road Landfill in Flint Charter Township (Genesee Co.).*



*Saturday morning soccer games are played on the site of the former Linden Road Landfill. A restrictive covenant is recorded on the property deed to prohibit excavation or other soil disturbance activities below the cover.*

### **What are the Benefits of Restrictive Covenants?**

Restrictive covenants help reduce or eliminate the risks of people coming in contact with contamination, and may also protect expensive cleanup equipment from damage. A restrictive covenant remains in the “chain of title” for the particular property forever, or until it is determined that the hazardous or regulated substances no longer present an unacceptable risk to the public health, safety, or welfare, or the environment. With this benefit of “running with the land”, the instrument reliably provides knowledge of the environmental conditions and restrictions to current and future persons who own or have an interest in the property through property transactions. Finally, the use of restrictive covenants can allow and promote a previously undeveloped or abandoned property to be returned to a safe and productive reuse.

### **What Types of Land or Resource Use Restrictions May be Imposed by Restrictive Covenants?**

Restrictions commonly imposed in restrictive covenants to reduce or eliminate unacceptable exposure risk to hazardous or regulated substances include:

- Restrict land use to nonresidential (e.g. commercial or industrial) uses.
- Prohibit the construction or use of drinking water wells on the property.
- Prohibit or limit excavation activities on the property.
- Prohibit the construction or use of buildings or allow construction of a building after an evaluation is made to determine if a vapor mitigation system is necessary or, if installed, to ensure it is being maintained.

### **What Does it Mean to Me as a Property Owner?**

If you have knowledge that the property you own or operate is contaminated, you have “due care” obligations, even if you aren’t responsible for the contamination. “Due care” means that an owner or operator of contaminated property must take steps to prevent unacceptable exposures to the contamination, or doing things that worsen the contamination. Under a restrictive covenant, you are obligated to:

- Comply with any land use or resource use restrictions created or relied upon in connection with the response or corrective action activities at the property.
- Do nothing to hinder those restrictions as applied to the response or corrective activities at the property.

### **Where Can I Find More Information?**

Multiple sources of information are available if you have questions about restrictive covenants related to your property, your neighbor’s property, or other property in your community. Your county Register of Deeds office holds all documents, including restrictive covenants, recorded on a particular property.

The Michigan Environmental Mapper ([www.mcgi.state.mi.us/environmentalmapper](http://www.mcgi.state.mi.us/environmentalmapper)) allows you to view sites of contamination and underground storage tank sites, and any land use or resource use restrictions (including restrictive covenants), that the Michigan Department of Environmental Quality is aware of, imposed on a property. The user can display the sites based on search criteria by city, county, Michigan Department of Environmental Quality district, and Michigan legislative district. In addition the user can view sites within a certain distance of a location, a land lot, or a stream segment. The results can be printed, with the map, or exported to an Excel spreadsheet.

In addition, Remediation and Redevelopment Division field staff located at Michigan Department of Environmental Quality offices statewide can provide information regarding specific properties. The field staff are the first line of contact with citizens, the business community, industry, and local units of government for prompt customer service about the Environmental Remediation and Leaking Underground Storage Tank programs.

## Attachment 6

### List of Restrictive Covenants and Review Table

Attachment 6- List of RCs and Review Table

Facility Name	Facility ID	Site ID	Address 1	Unit of Government	County	Property Description	Acreage	Square Milage	MDEQ RC/NAER/NCA Reference Number	Document Recording Date	Land Use Restriction Type	Commercial 1	Comm. 2	Comm. 3	Comm. 4	Industrial	Residential	Recreational	Multiple Land Use	Site Specific	Groundwater consumption	Groundwater contact	Special well	Special building	Excavation
Upper Peninsula District																									
Former Delta County Sportsman's Club		21000127	M-35 & CO RDS 529/432	Maple Ridge Township	Delta	On-site	15.5151	0.0242	RC-RRD-201-05-004	1/22/2001	RC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Delta County Airport	00014709		3300 Airport Road	Escanaba	Delta	Delta County Airport	40.3091	0.0629	RC-RRD-213-04-463	6/4/1999	RC	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Consolidated Papers Inc-Timberl	00017597		Peterson Landing	Watersmeet Township	Gogebic	Consolidated Papers Inc-Timberl	14.509	0.0226	RC-RRD-213-04-466	7/2/1998	RC	0	0	0	0	0	0	0	0	0	1	0	0	0	0
DNR Baraga District Office	00020142		Migrated	Baraga	Houghton	DNR Baraga District Office	6.0116	0.0094	RC-RRD-213-04-458	4/4/2001	RC	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Holiday Superstore #231	00008641		5095 US Highway 41 South	Chocolay Township	Marquette	Holiday Superstore #231	0.7593	0.0011	RC-RRD-213-04-639	8/10/2004	RC	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Negaunee Wastewater Treatment Plant	00034430		Negaunee Waste Water Treatment Plant	Negaunee	Marquette	Negaunee Wastewater Treatment Plant	3.8985	0.0061	RC-RRD-213-05-003	11/19/2004	RC	0	0	0	0	0	0	0	0	0	1	0	0	0	0
City of Munising DPW Garage	00034475		131 West Munising Avenue	Munising	Alger	Off-site	0.4889	0.0007	RC-RRD-213-15-136	6/4/2015	RC	0	0	0	0	0	0	0	0	1	1	0	0	0	1
Copper Range (Zone II Property)		66000501	Wilcox Road	Carp Lake Township	Ontonagon	Copper Range (Zone II Property)	10582.07	16.5344	RC-RRD-04-002	11/21/2005	RC	0	1	1	1	1	0	0	0	1	1	0	1	0	1
Gladstone Mobil Mart (Happy Rock Shell)	00013444		2100 Lake Shore Drive	Gladstone	Delta	Gladstone Mobil Mart (Happy Rock Shell)	0.5658	0.0009	RC-RRD-213-04-462	3/20/2000	RC	0	0	0	0	0	0	0	0	1	1	0	0	0	0
Kalamazoo District																									
Wesco #6	00009396		429 Paw Paw Street	Coloma	Berrien	Off-site	5.7589	0.0089	RC-RD-213-12-047	2/11/2014	RC	0	0	0	0	0	0	0	0	0	1	0	0	0	0
McCoy Creek - Former Golden Farm's Candy Parcel		11000330	Third Street & Red Bud Trail	Buchanan	Berrien	McCoy Creek - Former Golden Farm's Candy Parcel	1.1504	0.0018	RC-RRD-201-05-011	8/16/2007	RC	0	1	1	1	1	0	0	0	1	1	0	0	0	1
Buchanan-McCoy Creek Ind. Park		11000330	Third Street & Red Bud Trail	Buchanan	Berrien	On-site	2.2986	0.0035	RC-RRD-201-16-051	8/12/2016	RC	0	0	0	1	0	0	0	0	1	1	0	0	1	1
Union City Power Plant	00002210		Crane & Coldwater Streets	Union	Branch	Union City Power Plant	0.1848	0.0002	RC-RRD-213-04-731	3/19/2002	RC	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Neighborhoods Inc	00039585		47 North Washington Avenue	Battle Creek	Calhoun	Neighborhoods Inc	0.0301		RC-RRD-213-04-646	6/7/1999	RC	0	0	0	1	0	0	0	0	1	0	0	0	0	0
Strebor Inc		39000006	2305 Superior Avenue	Kalamazoo	Kalamazoo	On-site location	2.1172	0.0033	RC-RRD-201-09-010	11/13/2009	RC	0	0	0	0	1	0	0	0	0	1	0	0	0	1
Kalamazoo County Buildings & Grounds	00006459		2500 Lake Street	Kalamazoo	Kalamazoo	Kalamazoo County Buildings & Grounds	2.378	0.0037	RC-RRD-213-04-678	7/24/2002	RC	0	0	0	0	0	1	0	0	0	1	0	0	0	0

For purposes of site conditions, 0 signifies "No", 1 signifies "Yes" as recorded responses.

Attachment 6- List of RCs and Review Table

Facility Name	Facility ID	Site ID	Address 1	Unit of Government	County	Property Description	Acreage	Square Milage	MDEQ RC/NAER/NCA Reference Number	Document Recording Date	Land Use Restriction Type	Commercial 1	Comm. 2	Comm. 3	Comm. 4	Industrial	Residential	Recreational	Multiple Land Use	Site Specific	Groundwater consumption	Groundwater contact	Special well	Special building	Excavation	
South Westnedge (Crossroads) Shell	00010529		7000 South Westnedge Avenue	Kalamazoo	Kalamazoo	On-site	1.2148	0.0018	RC-RRD-213-13-110	8/23/2013	RC	0	0	0	0	0	1	0	0	1	1	0	0	1	1	
O & A Electrical Co-Operative	00001150		631 West Cherry Street	Wayland	Allegan	O & A Electrical Co-Operative	0.189	0.0003	RC-RRD-213-04-698	1/20/2000	RC	0	0	0	0	0	0	0	0	1	1	0	0	0	0	
Sturgis Diesel Plant	00005286		505 W Chicago Rd	Sturgis	Saint Joseph	On-site	1.4131	0.0022	RC-RRD-213-15-131	12/3/2015	RC	0	0	0	0	0	0	0	0	0	1	0	0	0	0	
Gaylord District																										
City of Alpena Landfill		04000003	M-32	Wilson Township	Alpena	On-site	160.02	0.25	RC-ERD-02-023	8/28/2003	RC	0	0	0	0	0	0	1	0	0	1	1	0	0	1	
Former Leather Tannery		15000015	West Front Street	Boyne City	Charlevoix	On-site	0.4631	0.0007	RC-RRD-201-04-038	9/30/1994	RC	0	0	0	0	0	0	0	0	1	0	1	0	0	1	
H & H Tube and Manufacturing		16000114	399 and 411 North Western Avenue	Beaugrand Township	Cheboygan	On-site	9.8393	0.0153	RC-RRD-201-14-042	7/1/2014	RC	0	0	0	0	0	1	0	0	1	1	0	0	1	0	
Straits Corporation, Crawford Co.		20000060	2459 Industrial Drive	Grayling	Crawford	Straits Corporation, Crawford Co.	11.6961	0.0182	NAER-ERD-01-005	4/10/2001	NAER	0	0	0	0	1	0	0	0	0	0	0	0	0	0	
Lewis & Rose St. Petoskey		24000076	Lewis & Rose Streets and US 31	Petoskey	Emmet	Lewis & Rose St. Petoskey	1.1931	0.0018	RC-ERD-01-002	4/9/2002	RC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Department of Public Works	00014878		110 West Sheridan Street	Petoskey	Emmet	On-site	4.1402	0.0064	RC-RD-213-12-155	4/23/2014	RC	0	0	0	0	0	0	0	0	1	1	0	0	1	0	
Dick's Service Center (Sunrise Store #20)	00003813		1747 North M-76	St. Helen	Roscommon	On-site	0.3546	0.0005	RC-RRD-213-10-127	6/21/2012	RC	0	0	0	0	0	1	0	0	1	1	0	0	1	1	
Wolverine Advance Power Plant		15000126	4545 Lakeshore Road	Eveline Township	Charlevoix	On-site	23.2789	0.0363	RC-RRD-201-07-017	2/19/2007	RC	0	0	0	0	0	0	0	0	1	1	0	1	0	0	
D&M Railroad Property (Parcel B)		16000090	Nicolet Street	Mackinaw City	Emmet	D&M Railroad Property (Parcel B)	4.8907	0.0076	RC-RRD-201-05-044	5/12/1995	RC	1	1	1	1	0	0	0	0	1	1	0	0	0	1	
Sunrise Convenience Store #15	00018987		2964 Salling Avenue	Lewiston	Montmorency	Off-site location	0.3305	0.0005	RC-RRD-213-09-179	12/30/2002	RC	0	0	0	0	0	0	0	0	1	1	1	1	0	0	
Cadillac District																										
Bayview Party Store	00008490		531 Main St	Frankfort City	Benzie	On-site	0.1721	0.0002	RC-RRD-213-16-032	3/11/2016	RC	0	0	1	1	0	0	0	0	0	1	0	0	1	0	
Pine Grove Subdivision		28000045	880 Parsons Road	Traverse City	Grand Traverse	On-site Traverse Bay Area Intermediate School District Property	22.5065	0.0351	RC-RD-201-11-023	10/8/2012	RC	0	0	0	0	0	0	0	0	0	1	0	0	0	0	
Speedway LLC #3588	00017280	28000344	1114 South Union Street	Traverse City	Grand Traverse	On-site	0.429	0.0006	RC-RD-213-11-065	5/7/2012	RC	0	0	1	1	0	0	0	0	1	1	0	0	1	0	
H. Cox & Son, Inc.	00001641		1402 Sawyer Road	Traverse City	Grand Traverse	On-site	13.8602	0.0216	RC-RD-213-12-154	1/2/2013	RC	0	0	0	0	0	0	0	0	1	1	0	0	1	1	

For purposes of site conditions, 0 signifies "No", 1 signifies "Yes" as recorded responses.

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Facility Name	Facility ID	Site ID	Address 1	Unit of Government	County	Property Description	Acreage	Square Milage	MDEQ RC/NAER/NCA Reference Number	Document Recording Date	Land Use Restriction Type	Commercial 1	Comm. 2	Comm. 3	Comm. 4	Industrial	Residential	Recreational	Multiple Land Use	Site Specific	Groundwater consumption	Groundwater contact	Special well	Special building	Excavation	
Total Petroleum - Acme	00009419		US-31 & M-72	Acme City	Grand Traverse	Total Petroleum - Acme	0.1793	0.0002	RC-RRD-213-04-761	3/11/2003	RC	0	0	0	0	0	0	0	0	0	1	0	0	0	0	
Straits Steel & Wire		53000105	902 & 905 North Rowe Street	Ludington City	Mason	On-site	7.9533	0.0124	RC-RRD-201-16-007	5/17/2006	RC	1	1	1	1	1	0	0	0	0	1	0	0	0	0	
Mesick Trailer Park	00038488		285 Manistee River Drive	Mesick City	Wexford	On-site location - to rescind 2009 RC	1.1478	0.0017	RC-RRD-213-10-105	2/17/2012	RC	1	1	1	1	0	0	1	0	0	1	0	0	0	0	
Lyle Crane Property		40000009	9423 Pine Circle Drive	Clearwater Township	Kalkaska	Lyle Crane Property	0.4183	0.0006	RC-ERD-97-030	3/30/1998	RC	0	0	0	0	0	0	0	0	0	1	0	0	0	0	
Fred Salisbury (Fomer ACE Hardware & Lumber)	50002285		11738 South Lake Street	Empire Village	Leelanau	Fred Salisbury (Fomer ACE Hardware & Lumber)	0.0761	0.0001	RC-RRD-213-04-736	11/13/2002	RC	1	1	1	1	0	0	0	0	0	1	0	0	0	0	
Former Handy Things Manufacturing Company		53000078	814 North Rowe Street	Ludington City	Mason	On-site	4.1129	0.0064	RC-RD-201-12-071	3/20/2013	RC	0	0	1	1	1	0	0	0	0	0	0	0	1	0	
Saginaw Bay District																										
Paxson Oil Co.	00017874		1507 Woodside Avenue	Essexville	Bay	Paxson Oil Co.	0.3382	0.0005	NCA-RRD-213-04-014	11/12/1997	NCA	0	0	1	1	0	0	0	0	0	0	0	0	0	0	
Valvoline #3835	50005545		2725 Center Avenue	Essexville	Bay	On-site	0.3048	0.0004	RC-RRD-213-13-126	11/5/2015	RC	0	0	1	1	0	0	0	0	0	0	0	0	0	0	
ADM Edible Bean Specialties, Inc.	00009991		4950 Railroad Street	Kinde	Huron	On-site	0.4213	0.0006	RC-RRD-213-16-109	8/8/2016	RC	0	0	0	0	0	1	0	0	1	1	0	0	0	0	
Wurtsmith (066-021-300-024-00)		35000058	WURTSMITH AFB	Oscoda	Iosco	Wurtsmith (066-021-300-024-00)	0.9643	0.0015	RC-RRD-03-041	3/20/2006	RC	0	0	0	0	0	0	0	0	0	1	0	0	0	0	
Amoco SS #5101	00021219		1203 State Street	Saginaw	Saginaw	On-site	0.5663	0.0008	RC-RRD-213-13-119	3/17/2014	RC	0	0	0	0	0	0	1	0	1	1	0	0	1	1	
Dick's Super Service	00008958		1489 North Huron Road	Pinconning	Bay	Dick's Super Service	0.3796	0.0005	RC-RRD-213-04-017	3/6/1998	RC	0	0	1	1	0	0	0	0	0	0	0	0	1	0	

For purposes of site conditions, 0 signifies "No", 1 signifies "Yes" as recorded responses.

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Facility Name	Facility ID	Site ID	Address 1	Unit of Government	County	Property Description	Acreage	Square Milage	MDEQ RC/NAER/NCA Reference Number	Document Recording Date	Land Use Restriction Type	Commercial 1	Comm. 2	Comm. 3	Comm. 4	Industrial	Residential	Recreational	Multiple Land Use	Site Specific	Groundwater consumption	Groundwater contact	Special well	Special building	Excavation
Vacant Stone Building (outside)	00040652		418 South Ross Street	Beaverton	Gladwin	Vacant Stone Building (outside)	0.4649	0.0007	RC-RRD-213-04-040	7/8/2003	RC	0	0	0	0	0	0	0	0	0	1	0	0	0	1
John Hoffman	00040382		4342 Williamson Road	Bridgeport	Saginaw	John Hoffman	1.2977	0.002	NCA-RRD-213-04-044	10/13/2000	NCA	0	0	1	1	0	0	0	0	0	0	0	0	0	0
Bay Road Express Stop	00013503		2791 Bay Road	Saginaw	Saginaw	On-site location	0.4683	0.0007	RC-RRD-213-09-192	2/11/2010	RC	0	1	1	1	1	0	0	0	0	1	0	0	0	0
Miners Grove	00011375		500 North Wilber	East Tawas	Iosco	Miners Grove	0.225	0.0003	RC-RRD-213-04-097	2/4/1999	RC	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Lansing District																									
Former Amoco #155	00009571		102 South Whitemore Street	St. Johns	Clinton	Off-site	0.1262	0.0001	RC-RRD-213-13-172	4/1/2015	RC	0	0	0	1	0	0	0	0	1	1	0	0	0	0
Lake Fenton Community Schools	00007299		11425 Torrey Road	Fenton Township	Genesee	Lake Fenton Community Schools	26.6281	0.0416	RC-RRD-213-05-026	2/18/1999	RC	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Mass Transportation Authority	00015106		1401 South Dort Highway	Flint	Genesee	On-site location	17.4805	0.0273	RC-RRD-213-08-145	2/23/2009	RC	0	0	1	0	0	0	0	0	1	1	0	0	0	1
Total Pipeline	00010218		1500 Bridge Street	Alma	Gratiot	On-site	0.5142	0.0008	RC-RRD-213-14-012	5/29/2014	RC	0	0	0	0	0	1	1	0	1	1	0	0	0	0
Speedway Super American #8772	00006151		1988 South Cedar Street	Imlay City	Lapeer	Speedway Super American #8772	1.7546	0.0027	RC-RRD-213-04-139	6/27/2003	RC	0	0	1	0	0	0	0	0	1	0	1	0	0	1
Shreve Steel	00021063		7300 Millett Hwy	Lansing	Eaton	On-site location	3.9958	0.0062	RC-RRD-213-05-009	7/23/2004	RC	0	0	0	0	0	0	0	0	1	1	0	0	0	0
Admiral Petroleum #42	00004171		7561 Miller Road	Swartz Creek	Genesee	Admiral Petroleum #42	0.3999	0.0006	RC-RRD-213-04-157	5/2/2003	RC	1	1	1	1	0	0	0	0	0	1	0	0	0	1
Mutual Savings Bank		29000023	135 West Washington Avenue	St. Louis	Gratiot	Description	0.05	0	RC-ERD-98-003	7/2/1998	RC	0	0	0	1	0	0	0	0	0	1	1	0	1	0
Turner Brown Inc	00037779		990 DeCamp Road	Leslie	Ingham	Turner Brown Inc	2.0392	0.0031	RC-RRD-213-05-021	2/3/1997	RC	0	0	1	1	0	0	0	0	0	1	0	0	0	0
Windiate Park/Dixieland Subdvn		25000689	4537 Milton Drive	Flint	Genesee	Off-site location	0.25	0	RC-ERD-98-013	5/27/1999	RC	0	0	0	0	0	1	0	0	0	1	0	0	0	1
Marsh Products	00014702		7505 Highway M-71	Durand	Shiawassee	Marsh Products	0.2984	0.0004	RC-RRD-213-04-145	9/11/2001	RC	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Grand Rapids District																									
Maple Valley Amoco	00002956		340 South Main	Nashville	Barry	On-site location	0.4562	0.0007	RC-RRD-213-04-337	2/10/1998	RC	0	0	1	1	0	0	0	0	0	1	0	0	0	0
Jansen Block	00015272		2500 Horton Avenue SE	Grand Rapids	Kent	Jansen Block	7.3654	0.0115	RC-RRD-213-04-425	4/28/2000	RC	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Former South Kent Airport - Lot 106	00000156		6671 Airfield Court	Byron Township	Kent	Former South Kent Airport - Lot 106	0.4785	0.0007	RC-RRD-213-04-773	6/29/1998	RC	0	0	0	0	0	0	0	0	0	1	0	0	1	0
Northland Specialties		62000016	11841 Woodbridge	Bitely	Newaygo	Description	1.89	0	RC-ERD-00-008	1/18/2001	RC	0	0	0	0	0	0	0	0	0	1	0	0	0	0

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Facility Name	Facility ID	Site ID	Address 1	Unit of Government	County	Property Description	Acreage	Square Milage	MDEQ RC/NAER/NCA Reference Number	Document Recording Date	Land Use Restriction Type	Commercial 1	Comm. 2	Comm. 3	Comm. 4	Industrial	Residential	Recreational	Multiple Land Use	Site Specific	Groundwater consumption	Groundwater contact	Special well	Special building	Excavation	
B&J Industrial Finishing		70000002	17067 Main Street	Nunica	Ottawa		1.1	0	RC-ERD-00-004	12/26/2001	RC	0	0	0	0	0	0	1	0	0	1	0	0	1	1	
Borculo One Stop	00033322		6410 96th Avenue	Blendon Township	Ottawa	Borculo One Stop	1.9999	0.0031	RC-RRD-213-05-098	3/1/2002	RC	0	0	0	0	0	0	0	0	1	1	0	0	0	0	
Swanson's Amoco (Plainfield Amoco Food Shop)	00016253		3895 Plainfield Avenue NE	Plainfield Township	Kent	Swanson's Amoco (Plainfield Amoco Food Shop)	0.5786	0.0009	RC-RRD-213-04-438	12/12/2001	RC	0	0	0	0	0	0	0	0	0	1	1	0	0	0	
Amoco Food Shop	00005645		360 East Division Street NE	Rockford	Kent	Off-site	1.0055	0.0015	RC-RRD-213-13-147	6/24/2015	RC	0	0	0	0	0	0	0	0	0	1	0	0	0	0	
Amoco Oil SS#0027	00035519		103 South State Street	Big Rapids	Mecosta	On-site	0.6405	0.001	RC-RD-213-12-050	8/10/2015	RC	1	1	1	1	0	0	0	0	0	1	0	0	0	0	
Jackson District																										
Holton Public Schools	00018910		8897 Holton Duck Lake Road	Holton	Muskegon	On-site	0.4741	0.0007	RC-RRD-213-13-149	11/13/2013	RC	0	0	0	0	0	0	0	0	0	1	1	0	0	1	0
Former Amoco	50001782		801 West Franklin Street	Jackson City	Jackson	On-site	0.4	0.0006	RC-ERD-213-96-004	5/17/1996	RC	0	0	0	0	0	1	1	1	1	1	0	0	0	0	
Buddies Brooklyn	00007453		152 S Main St	Brooklyn Village	Jackson	On-site	2.0203	0.0031	RC-RRD-213-06-062	10/6/2006	RC	0	0	1	0	0	0	0	0	1	1	0	0	1	0	
Ralph Manausso-111 Jones	00035251		111 Jones Avenue	Monroe City	Monroe	Ralph Manausso-111 Jones	0.4429	0.0006	RC-RRD-213-04-531	12/7/2000	RC	0	0	1	1	0	0	0	0	0	1	0	0	0	0	
Mr. Tony Pappas	00033633		1122 East Michigan Avenue	Ypsilanti Township	Washtenaw	Mr. Tony Pappas	1.9055	0.003	RC-RRD-213-04-554	3/13/1997	RC	0	0	0	0	0	0	0	0	0	1	0	0	0	0	
Stadium Gas & Mart	00002106		2315 West Stadium Boulevard	Ann Arbor City	Washtenaw	Stadium Gas & Mart	0.2046	0.0003	RC-RRD-213-04-559	3/19/2001	RC	0	1	1	1	0	0	0	0	0	0	0	0	0	0	
Hillsdale Department of Public Services	00012056		149 Waterworks Avenue	Hillsdale City	Hillsdale	Hillsdale Department of Public Services	15.3147	0.0239	RC-RRD-213-04-491	11/13/1996	RC	0	0	0	0	0	0	0	0	1	1	0	0	0	1	
Bohn Aluminum		46000028	1607 East Maumee Street	Madison Charter Township	Lenawee	On-site	32.7479	0.0511	RC-RD-201-12-038	8/13/2013	RC	0	0	1	1	0	0	0	0	1	1	0	1	0	0	
Adrian Service Center	00017387		2613 East Maumee Street	Madison Charter Township	Lenawee	Adrian Service Center	0.9386	0.0014	RC-RRD-213-04-525	8/4/1998	RC	0	0	0	0	0	0	0	0	1	1	0	0	0	1	

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Facility Name	Facility ID	Site ID	Address 1	Unit of Government	County	Property Description	Acreage	Square Milage	MDEQ RC/NAER/NCA Reference Number	Document Recording Date	Land Use Restriction Type	Commercial 1	Comm. 2	Comm. 3	Comm. 4	Industrial	Residential	Recreational	Multiple Land Use	Site Specific	Groundwater consumption	Groundwater contact	Special well	Special building	Excavation	
Sloan Petroleum Transport		81000521	3105 East Michigan Avenue	Ypsilanti City	Washtenaw	on-site	2.009	0.0031	RC-RRD-201-14-005	6/18/2014	RC	0	0	0	0	0	0	0	0	1	1	0	0	0	0	
Meijer Store 27	00017051		3825 Carpenter Road	Pittsfield Charter Township	Washtenaw	Meijer Store 27	1.811	0.0028	RC-RRD-213-04-544	2/12/1999	RC	0	0	0	0	0	0	0	0	1	1	0	0	0	0	
Southeast Michigan District																										
ITT Automotive		63000881	301 East Third	Rochester	Oakland	Description	6	0.01	RC-ERD-02-009	10/22/2002	RC	0	0	0	0	1	0	0	0	1	1	0	1	1	1	
Amoco Service Station #5832	00005670		22420 Farmington Road	Farmington	Oakland	Amoco Service Station #5832	0.5407	0.0008	RC-RRD-213-04-242	11/9/1997	RC	0	0	0	0	0	0	0	0	0	1	0	0	0	0	
Koch Refining Company		82000836	24501 Ecorse Road	Taylor	Wayne	Description	14.6	0.02	RC-ERD-98-005	9/21/2000	RC	0	0	0	0	1	0	0	0	0	1	0	0	0	1	
Amoco Service Station #5765	00005689		19141 Goddard Road	Southgate	Wayne	Service Station #5765	0.5165	0.0008	RC-RRD-213-05-136	12/8/1997	RC	0	0	1	0	0	0	0	0	1	1	0	0	1	1	
Amoco Service Station #5644	00005788		20675 Mack Avenue	Grosse Pointe Woods	Wayne	Service Station #5644	0.3133	0.0004	RC-RRD-213-05-138	3/18/1997	RC	0	0	1	0	0	0	0	0	1	1	0	0	1	1	
Shell (Detroit)	00010550		8930 West McNichols Road	Detroit	Wayne	On-site location	0.5325	0.0008	RC-RRD-213-08-167	3/27/2007	RC	0	1	1	1	0	0	0	0	1	1	0	0	1	0	
Wixom Pole Yard	00010792		30200 South Wixom Road	Wixom	Oakland	On-site	0.9143	0.0014	RC-RRD-213-15-142	9/3/2015	RC	0	0	0	0	0	1	0	0	1	1	0	0	1	1	
Port Huron Schools Bus Garages	131		4035 Dove Road	Port Huron	St. Clair	Bus Garage	0.2295		RC-RRD-213-08-157	10/20/2008	RC	0	0	0	0	0	0	0	0	0	1	0	0	0	0	
Port Huron Northern High School-modification	50001714		1799 Krafft Road		St. Clair		0.174	0	RC-RRD-213-07-038	8/14/2007	RC	0	0	0	0	0	0	0	0	0	1	0	0	0	0	
McLouth Steel Trenton (Former) - Area 1A		82001699	1491 West Jefferson Avenue	Trenton	Wayne	On-site	39.115	0.0611	RC-SF-201-99-002	8/11/1999	RC	0	0	0	0	0	0	0	0	1	0	0	0	0	1	

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Soil Movement	All Construction	Monitoring well	Exposure Barrier	Permanent Marker	Protective Structure	Protective Structure Retained Integrity	PS Free of Degradation	Water Wells in Compliance	Unauthorized Constuction or Excavation	Exposure Barrier not Concrete, Asphalt, or Gravel	Surface Impact or Erosion	Permanent Markers, Barriers, and Wells in Place	Security Meaures in Place and in Working Condition	Site Security Measures (SSM) Signs	SSM Fences	SSM Gates	SSM Security Guard	Ownership Change	Property Owner Aware of Restrictions	Remarks	Property Description Remarks	BEA #s	Property Vacancy	Redeveloped	Substantial Compliance	1 or more conditions needing attention	Significant Issue needing immediate attention	
0	0	0	1	0	1	1	1	0	0	0	0	1	0	0	0	0	0	0	0	Delta County Road Commission maintenance and office.	Road commission offices, fueling.	B199900116UP	0	1	1	0	0	
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Some monitor wells found, no drinking water wells.	Commercial airport terminal. New hangars since 1999.		0	0	1	0	0	
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Vacant parcel, some vegetation.	No indication of previous use.		1	0	1	0	0	
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0				0	0	1	0	0	
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1 DNR field office.			0	0	1	0	0	
0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	Well outside of restricted area.	Gas station and convenience store.		0	0	1	0	0	
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	Fence not part of remedy.	Abandoned WWTP, water goes to Ishpeming.		0	0	0	1	0	
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No evidence of excavation present. Monitoring wells may not have been properly abandoned. No new wells observed.	Vacant service garage		1	0	0	1	0	
1	1	0	1	1	1	1	1	0	0	0	1	0	1	0	1	1	1	1	1	SSMs not required but are present. Owner for most of site remains the same.	Degradation present but not threat to remedy.	B199800061UP, B199800210UP	0	0	0	0	1	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Monitor wells not found.	BP gas station, car wash, convenience mart. 2 new pump islands.		0	0	1	0	0	
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Property owner refused to meet with reviewer.	Chiropractor/physical therapy office.		0	0	1	0	0	
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	No contact with owner.	Property used as a brewery. Needs to repair disturbed soil.	B20102261PL	0	1	0	1	0	
0	0	0	1	1	1	1	1	0	0	1	0	0	0	0	0	0	0	0	0	Developments within bounds of restriction.	Developed as a gym, possible condominiums.	B201502245PL	0	1	1	0	0	
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Well kept property for water production without groundwater withdrawal.	No wells identified on property.		0	0	1	0	0	
1	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	Dropped off copy of restriction.	Community Outreach Center. Double check the parcel.		0	0	1	0	0	
1	0	0	1	1	1	1	1	1	1	0	1	0	1	0	1	0	0	0	0	No contact with owner.	Fenced in and well kept property. All markers in place.		0	0	1	0	0	
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Made owner contact. No wells on property	County Animal Control and enforcement. Construction consistent with restriction.		0	0	1	0	0	

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0	0	0	1	0	1	1	1	0	0	0	0	1	0	0	0	0	0	0	0	1	No contact with owner, initially.	Gas station.		0	0	1	0	0
																				Owner somewhat aware of site condition, but not RC.	Discount Bakery Equipment. Property in good condition. Building foundation existing.		0	0	1	0	0	
0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	Board of Power of Light, City of Sturgis.			0	0	1	0	0	
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	No wells on property.			0	0	1	0	0	
1	0	0	0	0	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	1	grassed area	Passive recreation for bird watching, hiking, hunting.		0	0	1	0	0
																				restriction required markers which were not identified in evaluation	Paved road over portion of restricted area which is undeveloped.		0	1	1	0	0	
0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	No changes to property use.	Durocher Marine for boat storage and offices.	B201400495GD	0	0	1	0	0
									1	0	0	0	0	0	0	0	0	0	0	1	No changes to property use, raw wood processing plant.			0	0	1	0	0
0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0					0	0	1	0	0
																				city park, former limestone quarry.	Possible future road construction in restricted area.		0	0	1	0	0	
0	0	0	1	0	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	2 parcels. Public works garage.	DPW garage, paved asphalt parking.		0	0	0	1	0	0
									0	0	0	0	0	0	0	0	0	0	0	Owner leases to Sunrise Stores.	Marathon Gas Station.		0	0	1	0	0	0
																				no wells within 50 feet of surface. RC recorded with master deed.	Sommerset Pointe condos 14 units. Potable well outside of restricted area.	B200700283GD	0	1	1	0	0	
																				3 parcels, 2 are DNR, 1 Shepler, original owner	Mackinaw City to Petoskey Rail Trail. See site notes for recording problem in ERNIE.	P199500010GD, P199600026GD	0	1	1	0	0	
1	0	0	1	0	1	1	1	0	0	1	0	0	0	0	0	0	0	0	1	Owner provided copy of restriction. Off-site restriction.	Minimum depth restriction for wells.		0	0	1	0	0	0
0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1				0	0	1	0	0	
																				RC drafted and filed by RRD staff for state funded project. Benzie County Equilization web map information indicates presence of RC.	Property currently for sale.		1	0	1	0	0	
																				Property is used for educational training purposes. Property parking lots recently resealed. Additions to the main school buildings have been added. Buildings add maintained infiltration barriers.			0	0	1	0	0	
0	0	0	1	1	1	1	1	0	0	0	0	1	0	0	0	0	0	0	0	1		retail gas station cap in place, no wells	P200200281CA	0	0	1	0	0
0	0	0	1	0	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	1	cap in place, no wells			0	0	1	0	0

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0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1 rescinding original RC.	retail gas station		0	0	1	0	0
0	0	0	1	0	1	1	0	1	0	1	0	1	0	0	0	0	0	0	0	1 Owner is same as 2007. Property is being used by FloraCraft and SSW. Property is in good condition. New asphalt paving installed on south parking lot. Additional paved drive added to west side of building.	Parking area	B201500847CA	0	1	1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1 park operates 2 wells outside of restricted area	park constructed new office and removed rest room located in restricted area		0	0	1	0	0
0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0	1 owner believed RC had been removed	residence, new well in 2016 below depth of restriction		0	0	1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0 property sold twice since RC recorded, owner not found	no water wells observed, building not occupied		0	0	1	0	0
0	0	0	1	0	1	1	0	0	0	0	1	0	0	0	0	0	0	1	0	1 BEA submitted in 2015. One signatory notified MDEQ of change in ownership as required under settlement agreement. Portions of property are vegetated with grass and weeds. Piles of debris remain on property. Property used for trailer storage.		B201500848CA, B201500849CA	1	0	1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0 Owner not aware of NCA.	Gas station and car wash.		0	0	1	0	0
1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1 Residential use allowed by special permit.	Former Valvoline oil change is vacant.		0	0	1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1 Operating grain elevator.			0	0	1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1 Owned by Oscoda Twp. in 2006.	vacant property	B200400600BC; B201701576BC	0	0	1	0	0
0	0	0	1	0	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	1 Owner not aware of restriction.	Site closure in 2015.	B200300553BC	0	1	1	0	0
0	0	0	1	0	1	1	1	1	0	0	0	0	0	0	0	0	0	1	0	1 commercial use with residential above, non-conforming use	building cannot be removed due to soil contamination		0	0	0	1	0

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Attachment 6- List of RCs and Review Table

Soil Movement	All Construction	Monitoring well	Exposure Barrier	Permanent Marker	Protective Structure	Protective Structure Retained Integrity	PS Free of Degradation	Water Wells in Compliance	Unauthorized Constuction or Excavation	Exposure Barrier not Concrete, Asphalt, or Gravel	Surface Impact or Erosion	Permanent Markers, Barriers, and Wells in Place	Security Measures in Place and in Working Condition	Site Security Measures (SSM) Signs	SSM Fences	SSM Gates	SSM Security Guard	Ownership Change	Property Owner Aware of Restrictions	Remarks	Property Description Remarks	BEA #s	Property Vacancy	Redeveloped	Substantial Compliance	1 or more conditions needing attention	Significant Issue needing immediate attention
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	Owner aware of excavation only. For sale 3.5 acres.	consistent with 2003 conditions. Developed with vacant house and commercial building.		0	0	1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	Owner is nephew to prior owner, not aware of NCA.	Bearcat Self Storage		0	0	1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	Corrigan Oil message left.	Operating gas station.	B201301270BC; B201301269BC	0	0	1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	Owner aware of restriction. New water well outside of restricted area.	Convenience store, residence, garages.		0	0	1	0	0
0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	BP has wells still in place- require removal	vacant property	B201101646LA	0	0	1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	should have focused on bus garage	legal description flawed- contained too much land		0	0	0	1	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Owner unaware RC existed even though Phase I and II conducted. Owner re-claims barn wood	Buildings and layout the exact same as they were when the RC was placed.		0	0	1	0	0
1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	No additional structures observed.			0	0	1	0	0
1	0	0	1	0	1	1	1	1	0	0	0	0	0	0	0	0	0	0	1	Pipeline facility			0	0	1	0	0
1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	Speedway environmental manager aware of restriction	gas station		0	0	1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	operator aware, map is terrible, but structures are the same	well driller, storage	B200400850	0	0	1	0	0
1	1	0	1	0	1	0	0	0	0	0	0	11	0	0	0	0	0	0	1	Used as a gas station	no new structures	B199700137LA	0	0	0	1	0
1	0	0	1	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	1	new owner, SAI Health Pharmacy	Drive-thru pharmacy, asphalt cracked		0	0	0	1	0
0	0	0	0	0	1	1	1	1	0	0	0	0	0	0	0	0	0	0	1	owner aware of environmental issues at property, and RC	country general store		0	0	1	0	0
0	0	0	1	0	1	1	0	0	1	0	0	0	0	0	0	0	0	0	1	Residential property. Recent water line repair within restricted area. "Old" GM property but not RACER site			0	0	1	0	0
1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	owner not aware at the time	industrial use in residential/ag area	B201401930LA; B201401929LA; B201201753LA	0	0	1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	MDOT not aware of RC.	No planned development.				1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	city water, new construction in 2010.	Salvation Army Kroc Center.				1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	2 of 5 restrictions match current addresses in subdivision	Single family subdivision, municipal water.				1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	new owner aware of site contamination but not RC	commercial storage units				1	0	0

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1	0	0	1	0	1	1	0	0	0	0	0	0	0	0	0	0	0	1	1	vacant lot sometimes used for car sales	no improvements to land				1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	New owner did BEA	Convenience store and gas station.				1	0	0
1	0	0	1	0	1	1	1	0	0	0	0	0	0	0	0	0	0	0		Same owner, asphalt parking in good condition.	Active gas station.				1	0	0
0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		same owner, RC on parcel behind car wash	car wash and lot behind.				1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		1 same owner	Family Video				1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Holton Public Schools owner not aware of restrictions. Possibly increasing size of grassed area.	school bus garage				1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	Property is vacant, signs for a future tire shop.	Property is vacant, signs for a future tire shop.				1	0	0
0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1		Some soil removed when Tim Hortons was constructed in 2014. B201201184JK	Current gas station and Tim Hortons.				1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1		Owner unaware of restrictions. B200000217JK	Property being used for storage, vacant light industrial building.				1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1		Property is the same as when restriction recorded.	Used car lot.				1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1		Was not able to contact owner.	Property is vacant, last business as a jewelry store.				1	0	0
0	0	0	0	0	0																						
0	0	0	0	0	0																						
1	0	0	0	0	0																						

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Soil Movement	All Construction	Monitoring well	Exposure Barrier	Permanent Marker	Protective Structure	Protective Structure Retained Integrity	PS Free of Degradation	Water Wells in Compliance	Unauthorized Construction or Excavation	Exposure Barrier not Concrete, Asphalt, or Gravel	Surface Impact or Erosion	Permanent Markers, Barriers, and Wells in Place	Security Measures in Place and in Working Condition	Site Security Measures (SSM) Signs	SSM Fences	SSM Gates	SSM Security Guard	Ownership Change	Property Owner Aware of Restrictions	Remarks	Property Description Remarks	BEA #s	Property Vacancy	Redeveloped	Substantial Compliance	1 or more conditions needing attention	Significant Issue needing immediate attention
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	Was not able to contact owner.	The property does not appear to be actively used at the moment, aside from RV storage behind a gated area.		0	0	1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	Property is the same as when restriction recorded.					1	0	0
1	0	0	1	0	1	1	1	1	0	1	0	1	0	0	0	0	0	1	1	redevelopment project	RC filed on 3 of 5 parcels.				1	0	0
0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	TCF Bank owns, RC was not connected to new ownership. RC filed in 1993 as miscellaneous document. Possible recording failure.	Asphalt cracks, otherwise pavement is ok.				0	1	0
1	0	0	0	0	1	1	0	0	0	0	0	1	1	1	1	1	0	1	1	Site is a petroleum storage terminal.	No new structures at property, visible patches to asphalt cap. Inspected twice per year.				0	1	0
0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	Unable to contact owner, left packet with attendant.	Activity consistent with restrictions, but significant holes and cracks in asphalt.				0	1	0
0	0	0	1	0	1	1	1	1	0	0	0	1	0	0	0	0	0	1	1	Property is oral surgery office with asphalt pavement.	Parking lot repaved in 2016.				1	0	0
1	0	1	1	0	1	1	0	0	0	0	0	0	0	0	0	0	0	1	1	Some minor cracking of asphalt.	No improvements to property since 2007, active gas station.				0	1	0
1	0	0	0	0	0	0	0	0	0	1	0	0	1	0	1	1	0	0	1	Harlan Electric Company, wooden pole storage. Site is fenced.	Property largely unchanged from time of restrictions, no excavation.				1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	1	0	0	1	RC signed by superintendent.	Pavement over LUST areas not included in RC. Paved and in good condition.	1			1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	Employees at HS and Bus Garage were not aware of RC but they were provided copies to forward to Facilities Manager, who they said likely knows about them.	The original RC, filed in 2006, was rescinded and this current RC was filed in its place in 2007. There are two separate areas that are surveyed out and subject to the restrictions in the				1	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	Open field with cell towers	Part of old landfill.				1	0	0

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## Attachment 7

### Example Site Reviews

**D&M Railroad (Parcel B), Mackinaw City, Cheboygan County**  
**Reference #RC-RRD-201-05-044**

The former D&M Railroad site was located next to a former railroad roundhouse and depot, at the northern terminus of the Mackinaw Railroad line. The property was sold to the Michigan Department of Natural Resources (MDNR) and the property is now the trailhead for the Petoskey to Mackinaw Trail.



The Petoskey to Mackinaw Trailhead under I-75

The property was the disposal location of approximately 10,110 cubic yards of cinders and contaminated soil from the adjacent railroad depot and roundhouse. The contaminated materials were covered with top soil and seeded.

The restriction, filed in 1995, was for maintaining the exposure barrier, proper handling of soils, and restricting access to direct contact hazards. However, there were no records regarding the handling of potentially contaminated soils during construction of either the pathway or the adjoining shopping center. The restriction does not clearly define what the barrier consisted of or what the boundaries were, making it difficult to determine where the exposure barrier maintenance should occur. Two other restrictions covering Parcels C and D, which are adjacent, were also filed at the same time. These restrictions also contained a groundwater use restriction. All three parcels are part of site #16000090, the Mackinaw Railroad.

The restrictions appeared to be in compliance with local zoning regulations. There was an incorrect inclusion of a partial restriction copied with the site restriction, but this was corrected during the review. The restriction was correctly filed with the Emmet County Register of Deeds.



The trail, crushed gravel

The owner of two of the parcels is the MDNR which purchased them in 1997 from Shepler Development, which continues to own one parcel related to the Parcel B property. Shepler Development also constructed and owns the Mackinaw Crossing shopping center on the two adjoining Parcels C and D. They performed a baseline environmental assessment in 1995. The property is primarily undeveloped land, with a gravel pathway, mainly used by hikers, bicyclists, and snowmobilers. There

were no identifiable conditions at the site which would indicate that there were significant risks associated with the use as a trail.

**Jansen Block, 2500 Division Avenue South, Grand Rapids, Kent County  
Reference #RC-RRD-213-04-425 Salvation Army, Kroc Center**

This site was the former Jansen Block Company located at 2500 Division Avenue South (formerly Horton Avenue SE). The property was redeveloped in 2010 into the Salvation Army Kroc Center, a municipal water storage tank and a park.



Kroc Center, Grand Rapids

Jansen Block Company (Facility #15272), was a concrete block molding and processing facility which had an office, manufacturing building, and warehouse located north of Drukker Street and east of Division Avenue South. The site was contaminated by a petroleum release on May 18, 1992, which was discovered upon removal of a 1,000-gallon gasoline tank. The tank had been installed in 1968, so it was not known when the release had taken place. Vanderlind and Son were the owners/operators listed at the time of the

release. In addition to the petroleum release, a baseline environmental assessment (BEA) conducted in 2008 found lead in the soil above Direct Contact Criteria.

Vanderlind and Son filed a restriction under Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, on April 28, 2000, in order to attain a closure of the release. The release was closed with the restriction in place to prevent the use of groundwater for consumption.

The Jansen Block Company was dissolved by the Vanderlinds in July 2000. In 2002, a BEA (B200201072GR) was submitted by the city of Grand Rapids after it had acquired a 4.88-acre parcel of the property (parcel 41-18-07-302-051). The Salvation Army purchased the 20.17-acre parcel (41-18-07-302-053) in 2008 and performed a BEA (B200802222GR). All of the older buildings were demolished and removed and the new building and park, accessible from both Alger Street SE and South Division Avenue, were



7.39-acre park, which has paved bike path, walking track, playground, soccer fields, basketball court, and water playground, entry off Alger Street.

constructed. The Kroc Center, a 105,000-square foot building opened in the Fall of 2010. The property is tax exempt as it is owned by a non-profit agency.

The site conditions at the property are in compliance with the restriction of not utilizing groundwater. As the city of Grand Rapids is served by a municipal water system, the use of groundwater would not have occurred. An above ground water storage tank for the municipal water system is located adjacent to the Kroc Center on Alger Street SE. The restriction was correctly filed with the Kent County Register of Deeds. The property use is in accordance with both zoning and the restrictions. The site was in good



Ball fields at park

condition and no follow up with the owner was necessary.

The Kroc Center supports the community with child centered activities and includes a gym, pool and aquatic center, a climbing wall, and outdoor play spaces. It operates programs for students at the adjoining Brookside School and nearby middle school. The Salvation Army made a \$32 million investment in the site, which employs 24 full time staff and 120-part time workers providing services.

For more information, see: <http://www.grkroccenter.org/>  
<https://www.youtube.com/watch?v=2FGFJ0KLJvA>  
<http://www.rapidgrowthmedia.com/devnews/default.aspx?page=8&city=5dd9980e-fa07-4c5c-9b1c-a9e2c1f74558>  
[http://www.mlive.com/news/grand-rapids/index.ssf/2010/10/salvation\\_army\\_is\\_ready\\_to\\_o.html](http://www.mlive.com/news/grand-rapids/index.ssf/2010/10/salvation_army_is_ready_to_o.html)

**TCF Bank, Farmington Road, Farmington, Oakland County**  
**Reference #RC-RRD-213-04-242**

The former Amoco Station #5832/Belal Enterprises, located on the northeast corner of 9 Mile and Farmington Roads was redeveloped into a TCF Bank Branch.



storage tanks were removed from the eastern side of the site in April 2006.

The restriction prohibited removal of soil from the site without characterization and to restrict activities that would result in exposure to regulated substances. The restrictions also prohibited the construction of wells and maintenance of the asphalt or concrete cover in good condition.

Although generally in compliance with the restrictions, it was noted that several cracks in the asphalt cover were present. This indicates a condition which should be evaluated by the owner.

The current owner is TCF Bank who submitted a baseline environmental assessment in April 2006 (P200603108LV). The bank consists of a 3,991-square foot (including the drive through canopy) commercial building on the northeast corner of 9 Mile and Farmington Roads, totaling 0.765 acre. The property use is in accord with the zoning district, Community Commercial. The current taxable value of the property is \$389,600 and the assessed value is \$413,260.

It is noted that this intersection of 9 Mile and Farmington Roads has had three gas stations, one of which is still active and one abandoned, both of which also have restrictive covenants in place.



**Wolverine Advance Power Plant, 4545 Lakeshore Road, Boyne City, Charlevoix County, Reference #RC-RRD-201-07-017**

The site was the former Wolverine Advance Power Plant, an electric generator and substation. The property was redeveloped as Sommerset Pointe, a residential condominium, marina, and restaurant (Porter Creek Fish House).



Condominium units on the southern portion of the property

The Wolverine Advance Power Plant (site #15000126) was located on a 23-acre property on the shore of Lake Charlevoix in Eveline Township, a mile west of Boyne City.

Electricity was produced from a coal fired steam plant that operated from 1953 until 1996. Coal was

shipped to the property and stored in piles on the ground surface at several areas of the property. Coal fly ash and bottom ash was transported via a conveyor to two fly ash ponds for disposal. The disposal of this ash led to groundwater being contaminated with arsenic and the storage areas with coal, arsenic, and selenium.

The restriction was filed by Sommerset Pointe Development, L.L.C. in February 2007, as part of a remedial action plan/closure report. The restriction covered the prohibition of groundwater use at the property in its entirety. In May 2007, the development company filed a baseline environmental assessment (B200700283GD) with the Michigan Department of Environmental Quality (MDEQ).

Wolverine Power Supply Cooperative, Incorporated, was the owner of the property during its operation. Both they and Sommerset Pointe conducted delineation and response activities at the site to address surface contamination between 2001 and 2007, eventually meeting MDEQ's generic residential cleanup criteria for all exposure pathways. However, the groundwater is still impacted with arsenic down to about 50 feet below the ground surface according to the filed restriction. The construction of any wells or other groundwater extraction devices within 50 feet of the surface was prohibited by the restriction.

The site was redeveloped with 14 condominiums and associated garages and the Sommerset Pointe Yacht Club and Marina which includes a restaurant, fitness center, and boat slips. Part of the former fly ash ponds were excavated for the marina basin. A potable well located outside of the restricted area provides water to the development. There are currently 35 parcels on the former power plant site with 25 different owners. Based on the site review, the property is in compliance with the restrictions and the zoning.

The Charlevoix County Register of Deeds did indicate that although the restriction can be found with a search of the lot/block, it was not listed under the current parcel owner names. The local health department was provided with a copy of the restrictive covenant.

The yacht club property consists of about 11.2-acres and is valued at \$575,900. Another 8.2-acres is undeveloped and has no state equalized value. There are currently 30 condominium units and associated separate



Marina basin and restaurant

garages taking up the remaining 3.7-acres. The total state equalized value of the condominiums is \$9,837,600.

Sommerset Pointe's owner Fred Taylor is a well-known businessman and Michigan native.

<http://www.sommersetpointeyachtclub.com/>  
<http://www.georgia.org/fred-taylor/>