

\*\$21.00 DEED  
Receipt #65523  
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BERNARD J. YOUNGBLOOD, REGISTER OF DEED  
WAYNE COUNTY, MI

\$4.00 REMONUMENTATION

JUN 01 2001

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CENTRAL PARK ESTATES SUBDIVISION NO. 2 AND NO. 3

FIRST AMENDMENT TO DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("First Amendment") is made this 24<sup>TH</sup> day of MAY, 2001, by PULTE LAND DEVELOPMENT CORPORATION, a Michigan corporation, the address of which is 26622 Woodward Avenue, Suite 204, Royal Oak, MI 48067 ("Developer").

R E C I T A L S:

A. In connection with the development of certain real property located in the Township of Canton, County of Wayne, State of Michigan, as a residential subdivision known as Central Park Estates Subdivision No. 2, the plat thereof recorded in Liber 117, Pages 69 through 95, inclusive, Wayne County Records, Developer recorded a certain Declaration Of Covenants, Conditions And Restrictions in Liber 33517, Pages 49 through 75, inclusive. Wayne County Records (the "Declaration").

B. In accordance with the provisions of Section 8.01 of the Declaration, Developer desires to amend the Declaration to add Central Park Estates Subdivision No. 3 as part of the overall Property that is subject to the Declaration.

NOW, THEREFORE, Developer hereby declares that the Declaration is amended as follows:

1. Definitions. The following Definitions contained in Article I of the Declaration are hereby amended and restated in their entirety as follows:

Section 1.10 "Property" shall mean the certain real property described on Exhibit "A" of the Declaration (being Subdivision No. 2), together with the real property described in the Exhibit "A" attached hereto (being Subdivision No. 3) and made a part hereof, as the same may be amended.

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M. AMO @ 214R 4/12/01 ADR

**Section 1.13 "Subdivision"** shall mean the single family residential subdivisions known as Central Park Estates Subdivision No. 2, as recorded in Liber 117, Pages 69 through 95, inclusive, Wayne County Records, and Central Park Estates Subdivision No. 3 as recorded in Liber 118, Pages 10 through 12, inclusive, Wayne County Records, and any additional phases that may be created pursuant to a recorded plat and added to this Declaration by amendment.

2. **Property Subject to Declaration.** Article 2 of the Declaration is hereby amended and restated in its entirety as follows:

The Property which is subject to and which shall be held, transferred, sold, conveyed and occupied pursuant to the Declaration is that Property, as defined in Paragraph 1.10 above, as same may be amended.

3. **New Subdivision No. 3 Floodplain Restrictions.** The following new Section 6.28 A is hereby added to the Declaration:

**Section 6.28 A Floodplain Restrictions.** The recorded plat for Subdivision No. 3 identifies the elevations defining the limits of the floodplain within the Subdivision. A portion of the Lower Rouge River lies within a portion of the Subdivision and the one hundred (100) year flood elevation of the Lower Rouge River floodplain varies from 700.1 N.G.V. Datum, at the upstream side of Central Park Drive to 701.8 N.G.V. Datum on the downstream side of Denton Road, as shown on the plat(s) for the Subdivision (the "Floodplain Area"). No dwellings, structures or improvements of any kind may be constructed within the Floodplain Area. No filling or occupation of the Floodplain Area shall take place without prior written approval of the Michigan Department of Environmental Quality (the "MDEQ") and any building used or capable of being used for residential purposes and occupancy on Lot 527 or West Side Park, shall comply with the following requirements following MDEQ approval:

(a) The building shall have lower floors, excluding basements, not lower than the elevation defining the floodplain limits.

(b) The building shall have openings into the basement not lower than the elevation defining the floodplain limits.

(c) The building shall have basement walls and floors, if below the elevation defining the floodplain limits, which are watertight and designed to withstand hydrostatic pressures from a water level equal to the elevation of the contour defining the floodplain limits following methods and procedures outlined in Chapter 5 for Type A construction and Chapter 6 for Class 1 loads found in the publication entitled "*Flood Proofing Regulations, E.P. 1165 2 314, prepared by the Office of the Chief of Engineers, United States Army, Washington, D.C., June, 1972.*" Figure 5 on Page 14-5 of the Regulations shows typical foundation drainage and waterproofing details.

(d) The building shall be equipped with a positive means of preventing sewer

backup from sewer lines and drains which serve the building.

(e) The building shall be properly anchored to prevent floatation.

Notwithstanding anything to the contrary contained in Section 8.01, regarding the amendment of this Declaration, the restrictions contained in this Section 6.28 A shall be observed in perpetuity and may not be amended without the prior written approval of the MDEQ.

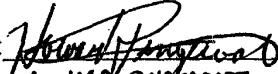
4. **Ratification.** To the extent not modified by this First Amendment, the terms and provisions of the Declaration shall continue in full force and effect and are hereby ratified. Capitalized terms that are not otherwise defined in this First Amendment shall have the meanings given to such terms in the Declaration.

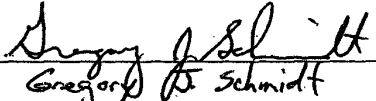
THIS AMENDMENT was executed as of the date and year first set forth above.

WITNESS:

  
KENNETH BULLIS


PULTE LAND DEVELOPMENT CORPORATION, a Michigan corporation

By:   
HOWARD FINGERSHUT

  
Gregory J. Schmidt  
STATE OF MICHIGAN )  
 )ss.  
COUNTY OF OAKLAND )

Its: president

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of May, 2001, by Howard Fingershut, the president of Pulte Land Development Corporation, a Michigan corporation, on behalf of the corporation.

  
Notary Public, Oakland County, MI  
My Commission  
Expires: 7-7-04

**DRAFTED BY AND WHEN RECORDED RETURN TO:**

JENNIFER BRISSON  
NOTARY PUBLIC OAKLAND CO., MI  
MY COMMISSION EXPIRES JUL 7, 2004

Clark G. Doughty, Esq.  
Bodman, Longley and Dahling LLP  
100 Renaissance Center  
34<sup>th</sup> Floor  
Detroit, MI 48243  
(313) 259-7777

EXHIBIT "A"LEGAL DESCRIPTION

Land in the Township of Canton, Wayne County, Michigan, described as:

**PROPOSED CENTRAL PARK ESTATES SUB NO. 3:**

A part of the Southwest 1/4 of Section 20, Town 2 South, Range 8 East, Canton Township, Wayne County, Michigan, being more particularly described as commencing at the Southwest corner of said Section 20; thence North 00 degrees 23 minutes 05 seconds West, 1367.25 feet, along the West line of said Section 20, and the centerline of Denton Road, and along an extension of and the Westerly boundary of "Central Park Estates Sub. No. 1", as recorded in Liber 115 of Plats, on pages 17 through 36, both inclusive, Wayne County Records, to the point of beginning; thence North 00 degrees 23 minutes 05 seconds West, 787.56 feet along the West line of said Section 20, and the centerline of said Denton Road, and along an extension of the Westerly boundary of said "Central Park Estates Sub. No. 1", to a boundary corner of said "Central Park Estates Sub. No. 1"; thence North 89 degrees 36 minutes 55 seconds East, 110.00 feet, along the boundary of said "Central Park Estates Sub. No. 1"; thence South 43 degrees 40 minutes 42 seconds East, 137.27 feet, along the boundary of said "Central Park Estates Sub. No. 1"; thence South 86 degrees 19 minutes 52 seconds East, 127.15 feet, along the boundary of said "Central Park Estates Sub. No. 1"; thence North 75 degrees 43 minutes 51 seconds East, 165.97 feet, along the boundary of said "Central Park Estates Sub. No. 1"; thence North 17 degrees 30 minutes 29 seconds East, 89.99 feet, along the boundary of said "Central Park Estates Sub. No. 1"; thence South 59 degrees 34 minutes 26 seconds East, 245.61 feet, along the boundary of said "Central Park Estates Sub. No. 1", to the Northerly line of Central Park Drive of said "Central Park Estates Sub. No. 1"; thence South 23 degrees 37 minutes 51 seconds West, 481.65 feet, along the Northerly right-of-way of said Central Park Drive; thence 457.93 feet along a curve to the right, said curve having a radius of 400.00 feet, a central angle of 65 degrees 35 minutes 39 seconds, and a chord bearing and distance of South 56 degrees 25 minutes 41 seconds West, 433.33 feet, along the Northerly right-of-way of said Central Park Drive; thence South 89 degrees 13 minutes 30 seconds West, 172.01 feet, along the Northerly right-of-way of said Central Park Drive, to the West line of said Section 20 and the centerline of said Denton Road, and the point of beginning.

As recorded in Liber 118 of plats on pages 10 through 12, both inclusive, Wayne County Records.