

**CITY PLANNING & ZONING COMMISSION  
MEETING MINUTES  
April 25, 2012**

The Bismarck Planning & Zoning Commission met on April 25, 2012, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5<sup>th</sup> Street. Chairman Yeager presided.

Commissioners present were Mark Armstrong, Tom Atkinson, Mel Bullinger, Vernon Laning, Mike Schwartz, Lisa Waldoch, John Warford and Wayne Yeager.

Commissioners Curt Juhala, Doug Lee and Ken Selzer were absent.

Hay Creek Township Supervisor Neil Modin was present.

Staff members present were Carl Hokenstad – Community Development Director, Kim Lee – Planning Manager, Jason Tomanek – Planner, Kimberley Gaffrey – Office Assistant III, Ray Ziegler – Building Official and Charlie Whitman – City Attorney.

Others present were Dave Patience – 909 Basin Avenue, Terry & Jessie Heck – 10511 East Highway 10, Tyronne Kittleson – 1612 13<sup>th</sup> Street SW, Minot, Larry & Margo Kolbo – 9815 17<sup>th</sup> Avenue NE, Lisa Ansley – 1815 Schafer Street Suite 301, Dan Carman – 1108 Laramie Drive, Ryan Mullen – 1324 Noble Cove, Grand Forks, Ralph Keller – 1098 Westwood Street, Larry Theurer – 1813 North 21<sup>st</sup> Street, Gerry Rudnick – 5925 Misty Waters Drive, John & Myrna Hauck – 6420 TJ Lane, Richard Sander – 1520 Knollwood Drive, Don Reuter – 901 Mouton Avenue, Ralph & Marcia Kilzer – 1982 Mesquite Loop and Adam Shea – 2800 Pacific Street North, Minneapolis, MN.

**MINUTES**

Chairman Yeager called for consideration of the minutes of the March 28, 2012 meeting.

**MOTION:** Commissioner Schwartz made a motion to approve the minutes of the March 28, 2012 meeting as received. Commissioner Warford seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Schwartz, Waldoch, Warford and Yeager voting in favor of the motion.

**CONSIDERATIONS –**

- A. ZONING CHANGE FROM A & RR to RR & PUD, LAND USE PLAN AMENDMENT AND PRELIMINARY PLAT – KOLBO THIRD SUBDIVISION**
- B. ZONING CHANGE FROM R10 TO RM10 - W½ OF BLOCK 24 LESS THE SOUTH 163 FEET, PARK HILL AUDITOR'S LOTS**
- C. ZONING ORDINANCE TEXT AMENDMENT – ACCESSORY BUILDINGS**
- D. ZONING ORDINANCE TEXT AMENDMENT – NON-CONFORMITIES**

Chairman Yeager called for consideration of the following consent agenda items:

- A. A zoning change from the A-Agricultural and RR-Residential zoning districts to the RR-Residential and PUD-Planned Unit Development zoning districts, preliminary plat and land use plan amendment for Kolbo Third Subdivision. The property is three lots in one block on 12.22 acres. The property is located along the east side of North 93<sup>rd</sup> Street approximately 1 mile north of County Highway 10 and ¼ mile south of McDowell Dam (a replat of Kolbo Subdivision and part of the N½ of the NW¼ Section 34, T139N-R80W/Gibbs Township).
- B. A zoning change from the R10-Residential zoning district to the RM10-Residential zoning district on the W½ of Block 24, less the South 163 feet, Park Hills Auditor's Lots. The property is located along the south side of Jefferson Avenue between Bell Street and Riverside Park Road.
- C. A zoning ordinance text amendment relating to Accessory Buildings. The proposed amendment would modify the allowable area for accessory buildings, generally increasing the area from what is currently allowed.
- D. A zoning ordinance text amendment relating to Non-conformities. The proposed amendment would modify the requirements for nonconforming uses or structures devoted in whole or in part to a residential use.

**MOTION:** Based on the findings contained in the staff reports, Commissioner Warford made a motion to approve Consent Agenda Items A, B, C and D, calling for public hearings and/or tentative approval on the items. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Schwartz, Waldoch, Warford and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE FROM CONDITIONAL R5-RESIDENTIAL TO PUD-PLANNED UNIT DEVELOPMENT AND MINOR SUBDIVISION FINAL PLAT – THE MEADOWS AT HAWKTREE SUBDIVISION**

Chairman Yeager called for the public hearing for the zoning change from the Conditional R5-Residential zoning district to the PUD-Planned Unit Development and the minor subdivision final plat for The Meadows at Hawktree Subdivision. The property is 29 lots in one block on 14.30 acres and is located along the north side of Burnt Creek Drive approximately ¼ mile east of ND Highway 1804/River Road (a replat of Block 2, The Ridge at Hawktree 2<sup>nd</sup> Subdivision in part of the N½ of Section 1, T139N-R80W/Hay Creek Township).

Ms. Lee provided an overview of the request and listed the following findings for the zoning change:

1. The proposed zoning change is consistent with the Land Use Plan, which identifies this area as urban residential (Bismarck-Mandan Regional Future Land Use Plan)
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include one and two-family residential associated with Hawktree Golf Course to the north, east and west and undeveloped agricultural land to the south.
3. The area is currently serviced by South Central Regional Water District and a private central sewer system; therefore, the zoning change would not place an undue burden on public services and facilities.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
7. The stormwater management plan for the minor subdivision final plat has not yet been approved by the City Engineer; therefore, the plat cannot be approved at this time.

Ms. Lee then listed the following findings for the minor subdivision final plat:

1. The proposed plat meets the criteria for a minor subdivision final plat.
2. All technical requirements for approval of a minor subdivision final plat have been met.
3. The storm water management plan has been approved by the City Engineer.
4. The Hay Creek Township Board of Supervisors has not yet made a recommendation regarding the proposed subdivision.
5. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include one and two-family residential associated with Hawktree Golf Course to the north, east and west and undeveloped agricultural land to the south.
6. The area is currently serviced by South Central Regional Water District and a private central sewer system; therefore, the proposed subdivision would not place an undue burden on public services and facilities.
7. The proposed subdivision is consistent with the general intent and purpose of the subdivision regulations.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee said based on the above findings, staff recommends approval of the zoning change from the Conditional R5-Residential zoning district to the PUD-Planned Unit Development and the minor subdivision final plat for The Meadows at Hawktree Subdivision, as outlined on the draft PUD ordinance.

Chairman Yeager called for the public hearing for the zoning change from the Conditional R5-Residential zoning district to the PUD-Planned Unit Development and minor subdivision final plat for The Meadows at Hawktree Subdivision.

Neil Modin, Hay Creek Township Supervisor, said the township is concerned with the problems that come along with private roads and would like to see the language from the document attached as Exhibit A, included in the Homeowners Association Bylaws and Declaration of Restrictions. He added that there is also some concern with the reduced setbacks but did not include it in the recommendation.

Brad Krogstad with Kadrmas, Lee & Jackson indicated that the developers are okay with the stipulations that Mr. Modin addressed regarding the private drive and they will be included in the documents for the development.

Chairman Yeager closed the public hearing.

**MOTION:** Based on the findings contained in the staff reports, Commissioner Warford made a motion to approve the zoning change from the Conditional R5-Residential zoning district to the PUD-Planned Unit Development as outlined in the draft PUD ordinance and the minor subdivision final plat for The Meadows at Hawktree Subdivision. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Modin, Schwartz, Waldoch, Warford and Yeager voting in favor of the motion.

#### **PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT – PROMONTORY POINT IV ADDITION 2<sup>ND</sup> REPLAT**

Chairman Yeager called for the public hearing for the minor subdivision final plat for Promontory Point IV Addition 2<sup>nd</sup> Replat. The property is located along the east side of Valley Drive between Mesquite Loop and Del Rio Drive (a replat of Lots 3-16, Block 1, Promontory Point IV First Replat in the E½ of the SE¼ of Section 19, T139N-R80W/ Hay Creek Township).

Ms. Lee provided an overview of the request and listed the following findings for the minor subdivision final plat:

1. The proposed plat meets the criteria for a minor subdivision final plat.
2. All technical requirements for approval of a minor subdivision final plat have been met.

3. The storm water management plan has been approved by the City Engineer.
4. A waiver was approved for the original plat (Promontory Point IV) to exceed the maximum block length due to topographic constraints.
5. The proposed subdivision is compatible with adjacent land uses. Adjacent land uses include one and two-family residential to the north, south and west and Tyler Coulee to the east.
6. The proposed subdivision is already annexed and utilities are in place in Valley Drive.
7. The proposed subdivision is consistent with the general intent and purpose of the subdivision regulations.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee said based on the above findings, staff recommends approval of the minor subdivision final plat of Promontory Point IV Addition 2<sup>nd</sup> Replat.

Chairman Yeager opened the public hearing for the minor subdivision final plat for Promontory Point IV Addition 2<sup>nd</sup> Replat.

Ralph Kilzer stated that he is not against the proposed development, but is concern his with Valley Drive as it crosses over the Tyler Coulee. He went on to say that he was promised in the past that the order of development would be that some large culverts or a bridge would be would be put in that crossing in order to handle the high volume of water that can occur. Mr. Kilzer said that building material is already causing issues when it blows over and gets stuck in the culverts. He added that it should be done right away instead subsequent to the development, which is going to cost the taxpayers a lot more, money and would like to know who is going to have to pay for it.

Commissioner Bullinger responded by saying that the culverts are included as a part of the master plan for this area, which has to be part and parcel with the extension of Tyler Parkway across the coulee. He indicated that they should be done at the same time, but the current owner of the property needed for the project is withholding access and easements at this time.

Chairman Yeager closed the public hearing.

Commissioner Warford asked Commissioner Bullinger to explain what rights the City has with this issue. Commissioner Bullinger explained that the City has the authority to put the roadway across the embankment, but the City was looking for an easement from the developer that would also allow a water main to be installed, but that was not provided.

Dave Patience explained that Promontory Point was started by Bill Clairmont and subsequently sold to Wachter Development, but Clairmont Development still owns the Tyler Coulee. He said

that Clairmont did dedicate the right-of-way required a public street, but there are other facilities that need to be added into that area. Mr. Patience stated that Clairmont Development has tried to negotiate with the City several times about what Clairmont Development would get back from the extra right-of-way, but it is at a standstill.

Commissioner Warford asked Mr. Patience if he has any information about the negotiations between the City and Clairmont Development. Mr. Patience responded by saying the last time he was involved was when he represented Wachter Development, but thinks Clairmont Development is looking for some concessions from the City that has not been worked out yet.

Commissioner Warford suggests that the City reach out to Clairmont Development and begin renegotiating this matter.

**MOTION:** Based on the findings contained in the staff report, Commissioner Laning made a motion to approve the minor subdivision final plat for Promontory Point IV Addition 2<sup>nd</sup> Replat. Commissioner Warford seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Schwartz, Waldoch, Warford and Yeager voting in favor of the motion.

#### **PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT – HUDSON STREET ADDITION**

Chairman Yeager called for the public hearing for the minor subdivision final plat for Hudson Street Addition. The property is located in the westernmost tier of lots in Sonnet Heights Subdivision approximately 1/8 mile west of Coleman Street (a replat of Lots 2-16, Block 14, Lots 1-4, Block 15, Lot 23, Block 17 and Lots 18-32, Block 18 Sonnet Heights Subdivision and Lots 1-3, Block 1, 43<sup>rd</sup> Avenue Commercial Park in the E½ of Section 16, T139N-R80W Hay Creek Township).

Mr. Tomanek provided an overview of the request and listed the following findings for the minor subdivision final plat:

1. The proposed plat meets the criteria for a minor subdivision final plat.
2. The technical requirements for approval of a minor subdivision final plat have been met.
3. The storm water management plan has been approved by the City Engineer.
4. The proposed subdivision would be compatible with adjacent land uses, adjacent land uses include residential subdivisions to the north, east and southwest, undeveloped land to the west and an assisted living center and campus facility to the south.
5. The property is already annexed; therefore, the proposed subdivision will not place an undue burden on public services.

6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Mr. Tomanek said based on the above findings, staff recommends approval of minor subdivision final plat of Hudson Street Addition.

Chairman Yeager opened the public hearing for the minor subdivision final plat for Hudson Street Addition.

There was no public comment.

Chairman Yeager closed the public hearing.

**MOTION:** Based on the findings contained in the staff report, Commissioner Warford made a motion to approve the minor subdivision final plat for Hudson Street Addition. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Armstrong, Armstrong, Atkinson, Bullinger, Laning, Schwartz, Waldoch, Warford and Yeager voting in favor of the motion.

#### **PUBLIC HEARING – RURAL RESIDENTIAL LOT SPLIT – LOT 1, BLOCK 1, DAUENHAUER SUBDIVISION**

Chairman Yeager called for the public hearing for the rural residential lot split for Lot 1, Block 1, Dauenhauer Subdivision. The property is located along the south side of I-94 between 66<sup>th</sup> Street NE and 80<sup>th</sup> Street NE (7115 30<sup>th</sup> Avenue NE).

Mr. Tomanek provided an overview of the request and listed the following findings for the rural residential lot split:

1. All technical requirements for approval of a rural residential lot split have been met.
2. The resulting parcels will meet the minimum lot width (150 feet), depth (200 feet) and area requirements (65,000 square feet) for the RR – Residential zoning district.
3. The proposed rural residential lot split will not be detrimental to the use or development of adjacent properties.
4. The proposed rural residential lot split will not place an undue burden on existing public services and facilities.
5. The proposed rural residential lot split is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Mr. Tomanek said based on the above findings, staff recommends approval of the rural residential lot split for Lot 1, Block 1, Dauenhauer Subdivision into two parcels, a smaller parcel of 5.593 acres and a larger parcel of 14.528 acres, with the understanding that a plat of irregular description will be prepared as required by the Burleigh County Auditor. The lot split will not be effective until the required plat of irregular description is recorded with the Burleigh County Recorder.

Chairman Yeager opened the public hearing for the rural residential lot split for Lot 1, Block 1, Dauenhauer Subdivision.

There was no public comment

Chairman Yeager closed the public hearing.

**MOTION:** Based on the findings contained in the staff reports, Commissioner Armstrong made a motion to approve the rural residential lot split for Lot 1, Block 1, Dauenhauer Subdivision into two parcels, a smaller parcel of 5.593 acres and a larger parcel of 14.528 acres, with the understanding that a plat of irregular description will be prepared as required by the Burleigh County Auditor. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Schwartz, Waldoch, Warford and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE FROM CG-COMMERCIAL AND MA-INDUSTRIAL TO MA-INDUSTRIAL – LOTS 1-3, BLOCK 1, LOTS 1-4, BLOCK 2 AND THE VACATED MAYFAIR AVENUE, MAYFAIR MANAGERS ADDITION, TRACT S OF THE SE1/4 OF SECTION 4, T138N-R80W, LOT 2, BLOCK 2, WACHTER’S 17<sup>TH</sup> ADDITION AND LOT 1, BLOCK 1, WACHTER’S 18<sup>TH</sup> ADDITION**

Chairman Yeager called for the public hearing for the zoning change from the CG-Commercial and MA-Industrial zoning districts to the MA-Industrial zoning district for Lots 1-3, Block 1, Lots 1-4, Block 2 and the vacated Mayfair Avenue, Mayfair Managers Addition; Tract S of the SE1/4 of Section 4, T138N-R80W; Lot 2, Block 2, Wachter’s 17<sup>th</sup> Addition; and Lot 1, Block 1, Wachter’s 18<sup>th</sup> Addition. The property is five parcels on 7.9 acres and is located along the west side of South 12<sup>th</sup> Street just south of Bismarck Expressway.

Ms. Lee provided an overview of the request and listed the following findings for the zoning change:

1. The proposed zoning change is outside the boundaries of the Bismarck Land Use Plan.
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include commercial development to the north, south and east, and undeveloped land and a manufactured home park to the west.

3. The area is already annexed; therefore, the zoning change would not place an undue burden on public services and facilities.
4. The proposed zoning change would not adversely affect property in the vicinity, provided a landscape buffer would be installed with any expansion or additional facilities along the western edge of the property to provide screening and separation from the manufactured home park.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee said based on the above findings, staff recommends approval of the zoning change from the CG-Commercial and MA-Industrial zoning districts to the MA-Industrial zoning district for Lots 1-3, Block 1, Lots 1-4, Block 2 and the vacated Mayfair Avenue, Mayfair Managers Addition; Tract S of the SE1/4 of Section 4, T138N-R80W; Lot 2, Block 2, Wachter's 17<sup>th</sup> Addition; and Lot 1, Block 1, Wachter's 18<sup>th</sup> Addition.

Chairman Yeager called for the public hearing for the zoning change from the CG-Commercial and MA-Industrial zoning districts to the MA-Industrial zoning district for Lots 1-3, Block 1, Lots 1-4, Block 2 and the vacated Mayfair Avenue, Mayfair Managers Addition; Tract S of the SE1/4 of Section 4, T138N-R80W; Lot 2, Block 2, Wachter's 17<sup>th</sup> Addition; and Lot 1, Block 1, Wachter's 18<sup>th</sup> Addition.

No public comment was received.

Chairman Yeager closed the public hearing.

**MOTION:** Based on the findings contained in the staff reports, Commissioner Atkinson made a motion to approve the zoning change from the CG-Commercial and MA-Industrial zoning districts to the MA-Industrial zoning district for Lots 1-3, Block 1, Lots 1-4, Block 2 and the vacated Mayfair Avenue, Mayfair Managers Addition; Tract S of the SE1/4 of Section 4, T138N-R80W; Lot 2, Block 2, Wachter's 17<sup>th</sup> Addition; and Lot 1, Block 1, Wachter's 18<sup>th</sup> Addition. Commissioner Warford seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Schwartz, Waldoch, Warford and Yeager voting in favor of the motion.

### **PUBLIC HEARING – SPECIAL USE PERMIT FOR LOT B OF LOT 1, BLOCK 1, NORTHERN PLAINS COMMERCE CENTRE**

Chairman Yeager called for the public hearing for a special use permit to allow the operation of a junkyard/metal recycling facility on Tract B (Auditor's Lot B) of Lot 1, Block 1, Northern Plains Commerce Centre.

Ms. Lee provided an overview of the request and listed the following findings for the special use permit:

1. The proposed junkyard/metal recycling facility is in harmony with the purpose and intent of the zoning ordinance and with the master plan of the City of Bismarck.
2. The proposed junkyard/metal recycling facility will not adversely affect the health and safety of the public and the workers and residents of the area, nor will it be detrimental to the use or development of adjacent properties or the general neighborhood.
3. The proposed junkyard/metal recycling facility will comply with all special regulations established by Section 14-03-08(4)(i) of the zoning ordinance, as well as all special conditions necessary for the safety and welfare of the public.

Ms. Lee said that based on the above findings, staff recommends approval of a special use permit to allow the operation of a junkyard/metal recycling facility on Tract B (Auditor's Lot B) of Lot 1, Block 1, Northern Plains Commerce Center, with the following conditions:

1. Development of the site shall generally conform to the site plan submitted in conjunction with the request for the special use permit.
2. Prior to development of the site, a detailed site plan will need to be submitted and approved in accordance with the City's site plan approval process.
3. All buildings must comply with the building setback requirements for the MA zoning district.
4. The entire facility must be enclosed with an opaque wall or fence at least eight feet in height.
5. As the facility will not be located adjacent to a public roadway, landscaping will not be required.
6. The operation of the facility at 335 South 26<sup>th</sup> Street must cease within one year of the commencement of site development work at the new operation.
7. This special use permit must be put to use within 24 months or it shall lapse and the landowner must reapply.

Chairman Yeager called for the public hearing for the special use permit to allow the operation of a junkyard/metal recycling facility on Tract B (Auditor's Lot B) of Lot 1, Block 1, Northern Plains Commerce Center.

No public comment was received.

Chairman Yeager closed the public hearing.

**MOTION:** Based on the findings contained in the staff report, Commissioner Warford made a motion to approve the request for a special use permit to allow the operation of a junkyard/metal recycling facility on Tract B (Auditor's Lot B) of Lot 1, Block 1, Northern Plains Commerce Center, with the following conditions: 1) Development of the site shall generally conform to the site plan submitted in conjunction with the request for the special use permit; 2) Prior to development of the site, a detailed site plan will need to be submitted and approved in accordance with the City's site plan approval process; 3) All buildings must comply with the building setback requirements for the MA zoning district; 4) The entire facility must be enclosed with an opaque wall or fence at least eight feet in height; 5) As the facility will not be located adjacent to a public roadway, landscaping will not be required; 6) The operation of the facility at 335 South 26<sup>th</sup> Street must cease within one year of the commencement of site development work at the new operation; and 7) This special use permit must be put to use within 24 months or it shall lapse and the landowner must reapply. Commissioner Armstrong seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Schwartz, Waldoch, Warford and Yeager voting in favor of the motion.

#### **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – DEFINITIONS**

Chairman Yeager called for the public hearing for the zoning ordinance text amendment relative to Sight Triangles.

Ms. Lee provided an overview of the zoning ordinance text amendment for Sight Triangles. The proposed amendment would clarify the definition of a sight triangle and how it applies to corner lots, lots at the intersection of a street and alley and driveways.

Ms. Lee said staff recommends approval of the zoning ordinance text amendment for Sight Triangles, as presented.

Chairman Yeager opened the public hearing for the zoning ordinance text amendment relative to Sight Triangles.

There was no public comment.

Chairman Yeager closed the public hearing.

**MOTION:** Commissioner Armstrong made a motion to approve the zoning ordinance text amendment relative to Sight Triangles. Commissioner Warford seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Schwartz, Waldoch, Warford and Yeager voting in favor of the motion.

## **OTHER BUSINESS**

There was no other business.

## **ADJOURNMENT**

There being no further business Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 5:53 p.m. to meet again on May 23, 2012.

Respectfully submitted,

---

Kimberley Gaffrey  
Recording Secretary

---

Wayne Yeager  
Chairman

RECEIVED  
APR 23 2012

To: Bismarck & Burleigh County Planning Commission

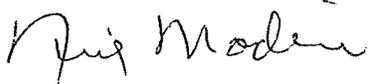
Re: The Meadows at Hawktree Subdivision

Both the Home Owners Association Bylaws and the Declaration of Restrictions on the real estate will need to incorporate the following.

1. The Home Owners Association shall be responsible for any and all costs which include snow removal to all private rights of way, roads and parking areas which are not dedicated to the township or county.
2. If the Homeowners Association is ever dissolved in the future it becomes the lot owners responsibility for all aforementioned costs and neither the township or county will be responsible for these costs.

We request a copy of the Homeowners Association Bylaws and Declaration of Restrictions for real estate before the sale of any lots. Both paragraphs number 1 and 2 are to be made a part of the Associations Bylaws and the Declarations of Restrictions.

Sincerely,



Neil Modin  
Haycreek Township Chairman

EXHIBIT A