

Welcome Oakwood Meadows Homeowners  
October 25, 2018  
Sub 2 Membership Restrictions Meeting



## Agenda

1. Meeting Call to Order..... Pages 3-5
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  - 2) Restrictions Background
  - 3) Restrictions Introduction
2. Proposed Restrictions Review..... Pages 6-18
  - 1) Alternate driveway material
  - 2) Utilities
  - 3) Park and Lake Areas
  - 4) Pets and Animals
  - 5) Dues and Assessments
  - 6) Use and storage of garbage containers
  - 7) Trailer, trucks, commercial vehicles (abandoned vehicles)
  - 8) Trailer, trucks, commercial vehicles (parking restrictions)
  - 9) Covenants
  - 10) Enforcement
3. Next Steps and Meeting Adjournment..... Page 19

## Meeting Call to Order

### ➤ Meeting Purpose

To review, discuss, and provide clarification for the proposed changes for the Oakwood Meadows Sub 2 restrictions. The discussions will be used to further clarify the explanation of the proposed changes prior to a vote in early December.

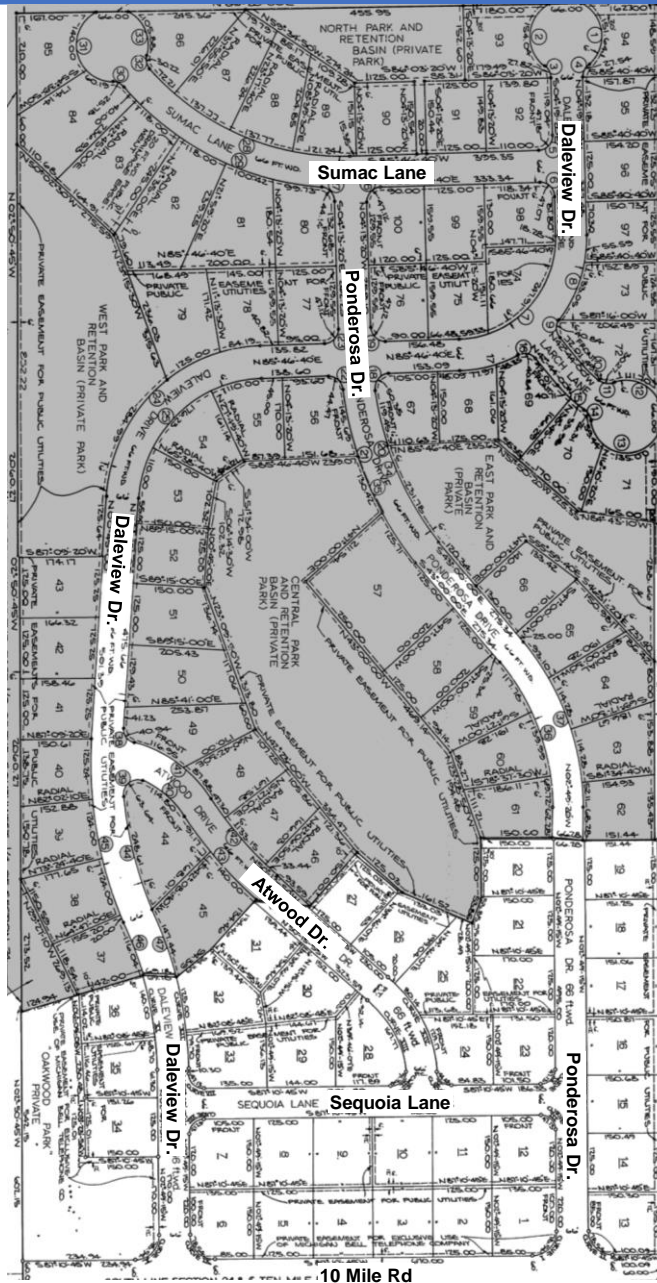
### ➤ Restrictions Background

Restrictions are the rules that govern certain aspects of our community and they were last updated in the early 90s. Oakwood Meadows has 100 members and is broken into 2 sections that have different restrictions. You are in Sub 2 which is made up of lots 37 to 100.

Over the last 6 years, there have been many discussions, meetings, and surveys regarding the updating of the Oakwood Meadows Association restrictions. Sub 1 voted on and adapted their version of the restrictions in 2014 and now Sub 2 will have the opportunity to review their restrictions.

Meeting Call to Order

## Oakwood Meadows Subdivision



**Sub 2  
Lots 37-100  
(highlighted area)**

**Sub 1  
Lots 1-36**

## Meeting Call to Order

### ➤ **Restrictions Introduction**

The original 1974 restrictions for Sub 2 was created by the developer when they decided that Sub 2 would have a separate restrictions document than Sub 1 but keep both subdivisions in the same Homeowners Association. The Sub 2 documents were last updated in 1993. Township ordinances have been revised many times since then and are clearly written and enforceable by the township.

The proposed restrictions updates will improve our alignment with today's requirements and our ability to compete with surrounding neighborhoods while assisting in maintaining property values.

The proposed changes are an attempt to improve the consistency with the Sub 1 restrictions and to utilize the legal ordinances of Green Oak township. We understand that the two sets of restrictions are not identical, but there are areas where we can be aligned without sacrificing the expressed direction of Sub 2 membership. These proposed changes will bring us closer together and provide better unity.

## Proposed Restrictions Review

### Current Wording

7. DRIVEWAYS. All driveways shall be constructed of two (2) inches of asphalt surface (or greater, where required by local codes), with a suitable gravel base and shall not be closer than fifty (50) feet from the sixty (60) foot right-of-way or platted sixty (60) foot roadway. There shall be no driveway access from Lot 70 onto the Larch Lane cul-de-sac nor from Lot 84 onto the Sumac Lane cul-de-sac.

### Proposed Change

Question 1:
<p><u>Proposed Change:</u></p> <p>Replace the highlighted text for “7. Driveways” with the following text</p> <p>“7. Driveways: Access Driveways, aprons and parking areas for vehicle use on a lot shall be constructed to county codes. The wearing surface shall be of asphalt, concrete, pavers or blocks.”</p>
<p><u>Explanation for change</u></p> <ul style="list-style-type: none"><li>• To allow for the use of alternate surfaces for driveways.</li><li>• Remove language (cul-de-sac) pertaining to the initial development of the sub 2.</li><li>• To standardize the alignment of restrictions and governance within the Oakwood Meadows Homeowners Association.</li></ul>

## Proposed Restrictions Review

### Current Wording

**10. UTILITIES. No utilities other than underground utilities shall at any time be installed on any lot in the Subdivision. One gas yard light of the same design as existing in Oakwood Meadows Subdivision shall be installed on each lot at the time of the construction of the residence. The gas yard light shall be located the same distance back from the front property line as those existing in Oakwood Meadows Subdivision and close to center line of residence.**

### Proposed Change

Question 2:

Proposed Change:

Remove the highlighted sentence above for “10. Utilities” related to gas yard light

Explanation for change

Remove language pertaining to the initial development of the sub 2.

Obsolete restriction, the model mentioned is no longer available

To standardize the alignment of restrictions and governance within the Oakwood Meadows Homeowners Association.

## Proposed Restrictions Review

### Current Wording

12. PARK AND LAKE AREAS. Park and lake areas described in the Plat of the Subdivision as Green Lake Pond, Central Park, North Park, west Park, East Park and Oakwood Park shall be conveyed by the Declarant to the Oakwood Meadows Homeowners Association, hereinafter described, when seventy-five percent (75%) of the lots in the Subdivision have been conveyed by Declarant to third parties, and until that time, all such common areas shall be basically developed and maintained (excluding improvements) by and at the expense of Declarant. All park and lake areas shall be used only by property owners within the Subdivision and their guests. Access to Green Oak Pond, except for owners of property contiguous thereto, shall be from Ponderosa Drive. No outboard motor or other mechanical means of propulsion shall be used on said Pond. No picnics or similar events shall be held at any time on Ponderosa Drive or the vacant areas adjacent thereto. There shall be no water taken from any surface body of water by pumping or any other means at any time.

### Proposed Change

Question 3:

Proposed Change:

Park areas and lake access shall be used only by property owners within the subdivision and their guests. Access to the lake, except for owners of property contiguous thereto, shall be from Ponderosa Drive, however, no outboard motor shall be used on the lake in the subdivision. No picnics or similar events shall be held at any time on Ponderosa Drive or the vacant areas adjacent thereto. There shall be no water taken from the retention basin by pumping or any other means at any time.

Explanation for change

Remove language pertaining to the initial development of the sub 2.  
To standardize the alignment of restrictions and governance within the Oakwood Meadows Homeowners Association.



## Proposed Restrictions Review

### Current Wording

13. PETS AND ANIMALS. The number of dogs and cats per each residence in the Subdivision shall not exceed two (2) cats or two (2) dogs or two (2) of each. These animals shall not be allowed to roam freely nor to become a public nuisance. All other pets shall be kept within the residence at all times.

### Proposed Change

Question 4:

Proposed Change:

Remove the highlighted text in number “13. PETS and ANIMALS” and follow the Green Oak Code of Ordinances.

**Sec. 4-22. - Running at large.**

- (a) No person keeping, possessing, or harboring any dog shall permit such dog to run at large at any time.
- (b) Any dog found at large in violation of this section may be caught and taken in charge by any police officer of the township or any person designated by the township board for such work. Any police officer of the township or any person designated by the township board who takes charge of any dog at large, must make a reasonable attempt to contact the owner of such dog listed on its tags. Any dog running at large that is taken in charge that has no identifying tags or where the person in charge cannot identify an owner of the dog, may turn such dog over to the Livingston County Animal Control Official. Any dog running at large in violation of this section, which the officers, charged with the enforcement hereof, determine that the dog poses a threat to the health, welfare and or safety of the public, may be destroyed by such officers.
- (c) Any dog apprehended by a police or other officer shall be confined in the Livingston County Animal Control Center, and shall be thereafter disposed of in accordance with the rules and regulations of the county.

**Sec. 4-24. - Barking dog.**

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## Proposed Restrictions Review

### Proposed Change (continued)

Question 4:

Proposed Change:

Remove the highlighted text in number “13. PETS and ANIMALS” and follow the Green Oak Code of Ordinances.

**Sec. 4-24. - Barking dog.**

No person shall harbor or keep any dog which by loud and frequent or habitual barking, yelping, or howling, shall cause serious annoyance to the neighborhood or the people passing to and from upon the streets.

**Sec. 4-26. - Limitation on number.**

No person shall harbor or keep more than three dogs over three months of age upon any one premises within the township unless such person is lawfully operating a kennel duly licensed in accordance with Act No. 339 of the Public Acts of Michigan of 1919 (MCL 287.270 et seq.) as amended, and in conformance with all other ordinances and regulations of the township.

**Explanation for change**

- To standardize the alignment of restrictions and governance within the Oakwood Meadows Homeowners Association.
- Sub 2 restriction allows 2 dogs instead of the 3 dogs allowed by Green Oak Township, the enforcement and associated legal cost is the responsibility of the Oakwood Meadows Association and its members.
- The Green Oak Code of Ordinance “Sec. 4-22. – Running at Large” is clear and enforceable in its meaning and the township would become responsible for the cost and any litigation that may result from a violation.
- The Green Oak Code of Ordinance “Sec. 4-24. – Limitation on number” is clear and enforceable in its meaning and the township would become responsible for the cost and any litigation that may result from a violation.

## Proposed Restrictions Review

### Current Wording

#### 15. DUES AND ASSESSMENTS.

a. Purpose. Dues and assessments shall be imposed in accordance with these Restrictions for the purposes of improving and maintaining common areas and real estate within the Subdivision owned by the Oakwood Meadows Homeowners Association, a Michigan non-profit corporation, (the "Association") as well as roadways, pathways and entranceways to the Subdivision; for planting grass, ground covers, trees and shrubbery and for the care thereof; for collecting and disposing of garbage, ashes, trash, litter and rubbish; for employing night watchman and guards or patrol services, for caring for vacant property; for removing grass or weeds; for constructing, purchasing, maintaining or operating any community service; for doing any other things necessary or advisable, in the opinion of the Board of Directors of the Association, for the general welfare of the members; and for expenses incident to the enforcement of these Building Restrictions.

b. Dues. The initial dues for each new active membership unit in the Association, as defined in the By-Laws thereof, shall be \$35.00. The annual dues for each member shall be determined by a majority vote of the active membership units at each annual meeting but shall, in any event, be not less than \$25.00 per active membership unit. All initial dues shall become payable forthwith upon the first to occur of (i) acquisition of title to any lot(s) within the aforesaid subdivisions by any person, natural or corporate, other than the Declarant, or (ii) the conveyance to the Association of the aforesaid common areas by the Declarant. Initial dues shall be pro-rated to the end of the fiscal year in which the same shall become due. -All annual dues shall be due and payable on the first day of each fiscal year of the Association. All dues shall be deemed to be in arrears if not paid in full within sixty (60) days after becoming due.

c. Assessments. By vote of two-thirds (2/3) of a quorum at any meeting of the membership of the Association assessments may be levied against or be imposed upon the active membership units for any valid purposes of the Association. All assessments shall be deemed to be in arrears if not paid, according to the terms of each such assessment, within sixty (60) days after the date(s) due.

d. Remedies. In the event that any dues or special assessment become in arrears, the Board of Directors of the Association may, at its option and in its discretion, enforce the payment thereof by a personal action against the owner(s) of each lot involved or by an action in rem, in the nature of a lien, against each such lot by recording an appropriate Notice and Statement of Lien with the Livingston County Register of Deeds within one (1) year after such dues or assessment become in arrears, which lien shall remain valid and enforceable for a period of ten (10) years after the date of recordation thereof. The Association shall notify the owners of each membership unit, with respect to which any arrearage exists, in writing of the amount and due date(s) thereof, and any such arrearage, not paid by any owner of any lot shall continue as a charge against the real estate and shall be enforceable against and collectible from all subsequent owners thereof.

## Proposed Restrictions Review

### Proposed Change (continued)

Question 5:

Proposed Change:

Remove this language

Explanation for change

- This is covered by the Oakwood Meadows Association bylaws section “7.02 Duties of the Board of Directors”
- To standardize the alignment of restrictions and governance within the Oakwood Meadows Homeowners Association.

## Proposed Restrictions Review

### Current Wording

21. GARBAGE AND REFUSE DISPOSAL. No refuse shall be dumped or left on any lot, or any other -area in the Subdivision. Every residence shall be provided with an approved type of garbage disposal unit. No exterior incinerators or other equipment shall be maintained on the premises for disposal of rubbish or garbage. No rubbish or garbage containers may be left outside except for regular pick-up.

### Proposed Change

Question 6:
<p><u>Proposed Change:</u></p> <p>Remove the highlighted text in number “21. Garbage and Refuse Disposal” and follow the Green Oak Code of Ordinances listed below.</p> <p>Sec 10-33.B”</p> <p>“On properties used for single residential purposes, domestic refuse originating from such premises may be stored in such a manner as not to create a nuisance for a period not to exceed 30 days. The refuse shall be stored in suitable containers so as to protect it from wind, rain and animals, and shielded from view of adjacent areas, except when placed at the property line for removal on the day of removal. The proprietor of the premises shall provide for removal of all domestic refuse at least every 30 days or more often, if necessary, to prevent the creation of a nuisance.”</p>
<p><u>Explanation for change</u></p> <p>To standardize the alignment of restrictions and governance within the Oakwood Meadows Homeowners Association. The Green Oak Code of Ordinance “Sec 10-33.B” is clear and enforceable in its meaning and the township would become responsible for the cost and any litigation that may result from a violation.</p>

## Proposed Restrictions Review

### Current Wording

22. TRAILERS, TRUCKS, COMMERCIAL VEHICLES. No trailers, mobile homes, campers, trucks, buses, tractors, commercial vehicles of any kind and any kind of machine equipment or apparatus, except in use for construction or repairs within the Subdivision, shall be parked or left to stand on any street, driveway, lot or any other area within the Subdivision. **Abandoned vehicles and passenger automobiles not in regular use as passenger vehicles shall not be parked or left on any street, lot or other area in the Subdivision.**

### Proposed Change

Question 7:

Proposed Change:  
Remove the highlighted text in number “22. Trailer, trucks, commercial vehicles” and follow the Green Oak Code of Ordinance listed below.  
  
Sec 10-33.A of the Green Oak Code of Ordinances for definition and enforcement of abandoned automobiles.  
“It shall be unlawful for any person to store, or to permit the storage or accumulation of, trash, rubbish, junk, junk vehicles or abandoned vehicles on any private property in the township, except within a completely enclosed building or upon the premises of a properly zoned, licensed or approved junk dealer, junk buyer, dealer in used auto parts or dealer in secondhand goods or junk.”

Explanation for change

- The restriction is not enforceable, as the terms are not defined and the association has no authority over the county roads.
- The Green Oak Code of Ordinance “- Sec 10-33.A” is clear and enforceable in its meaning of abandoned automobiles and the township would become responsible for the cost and any litigation that may result from a violation.

## Proposed Restrictions Review

### Current Wording

**22. TRAILERS, TRUCKS, COMMERCIAL VEHICLES. No trailers, mobile homes, campers, trucks, buses, tractors, commercial vehicles of any kind and any kind of machine equipment or apparatus, except in use for construction or repairs within the Subdivision, shall be parked or left to stand on any street, driveway, lot or any other area within the Subdivision. Abandoned vehicles and passenger automobiles not in regular use as passenger vehicles shall not be parked or left on any street, lot or other area in the Subdivision.**

### Proposed Change

Question 8:

Proposed Change:

Remove the highlighted text in number “22. Trailer, trucks, commercial vehicles” and replace with the following text

“Trailer, trucks, commercial vehicles:

Parking for campers, trailers, motor homes and boats is permitted between April 1st and Sept 30th on a driveway. Temporary waivers during other times can be granted with Board approval.”

Explanation for change

Add language to permit parking from April 1<sup>st</sup> to Sept 30<sup>th</sup> to standardize the alignment of restrictions and governance within the Oakwood Meadows Homeowners Association.

## Proposed Restrictions Review

### Current Wording

25. CONTINUITY AND AMENDMENTS.

a. The Covenants and Restrictions hereof are to run with the land and shall be binding on the parties hereto and upon all persons now having or hereafter acquiring any interest in or to any lot(s) within the Subdivision, and upon their heirs, devisees, grantees, personal representatives, and assigns until January 1, 1990, and thereafter for successive periods of ten (10) years each unless canceled, altered, amended or modified by the owners of two-thirds (2/3) of the lots in the Subdivision by an instrument in writing recorded in the Office of the Register of Deeds for Livingston County, Michigan. These restrictions may be altered, amended, or modified at any time and from time to time as above provided, and shall thereupon continue in full force and effect as so changed.

b. Should any of the within Covenants and Restrictions be invalidated or be determined to be void and unenforceable, in whole or in part, by judgment, decree or order of any court of competent jurisdiction, then any such invalid or unenforceable Covenant or Restriction shall be deemed to be severable and to have been severed, and all other Covenants and Restrictions hereof shall continue in full force and effect.

### Proposed Change

Question 9:

Replace the highlighted text in number “25 Continuity and Amendments” and replace with

(Continued on next page)



## Proposed Restrictions Review

### Proposed Change (continued)

Question 9:

#### Proposed Change:

General Provisions & Amendments: These covenants shall run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty-five (35) years from and after the recording of this agreement, after which date covenants shall be periodically extended for successive periods of ten (10) years each, unless, and prior to the expiration of such ten (10) years period, an instrument signed by the owners of record of a majority of the lots in the subdivision has been recorded changing, or modifying said restrictive covenants In whole or in part.

Invalidation of anyone of these covenants by judgments or decree shall in no way effect any of the other provisions hereof which shall remain in full force and effect.

#### Explanation for change

To change from a 2/3 requirement to a requirement of a majority of sub 2 members in good standing.

To standardize the alignment of restrictions and governance within the Oakwood Meadows Homeowners Association.

## Proposed Restrictions Review

### Current Wording

26. ENFORCEMENT. In the event of any violation, whether existing, attempted, threatened or proposed, of any one or more of the Covenants and Restrictions hereof, the same shall be enforceable by action at equity or law or both by any one or more owners of lots in the Subdivision, by the Association or by any or all of them, to prevent or enjoin such violation thereof, to recover damages therefore or to recover expenses incurred on behalf of a lot owner or occupant or any or all of the foregoing.

### Proposed Change

Question 10:

Replace the highlighted text in number “26 Enforcement” and replace with

Proposed Change:

Enforcement: Enforcement of these restrictions shall be by proceedings in a Court of Law against any person or persons violating or attempting to violate any covenant either to restrain violation or recover damages and may be brought by any person owning any lot in the subdivision.

Explanation for change

To standardize the alignment of restrictions and governance within the Oakwood Meadows Homeowners Association.

## Next Steps and Adjournment

### ➤ **Sub 2 Restrictions Proposal Document**

- The board will review the feedback from tonight's meeting and, as appropriate, will update the proposals in order to provide clear explanations of the changes.
- If needed, the Board will contact our legal counsel to ensure wording or meaning is correct for the proposals.

### ➤ **Sub 2 Restrictions Proposal Voting**

- The current plan is to ask Sub 2 membership to formally vote on the proposed changes in early December 2018. If this changes, the board will advise by posting on the website "Important Announcements" section.
- Please use your website to contact the board and to keep updated about upcoming activities:

**[www.oakwoodmeadows.org](http://www.oakwoodmeadows.org)**

### ➤ **Thank You for Attending!!**

- Motion to adjourn meeting... 2<sup>nd</sup>.
- Meeting Adjourned.