

Submittal Document I.A. Completed and Executed Metamora Township Application for  
Rezoning Form together with Conditional Rezoning Statement of Conditions



APPLICATION FOR REZONING  
Metamora Township

(810) 678-2237  
730 WEST DRYDEN ROAD, METAMORA, MI 48455

APPLICANT'S NAME American Aggregates of Michigan, Inc.

ADDRESS 9300 Dix Avenue

CITY Dearborn, MI ZIP CODE 48120 PHONE 313-429-2600

COMMON DESCRIPTION OF PROPERTY AND ADDRESS, IF ISSUED: See Table of Contents -II.A and III-A.  
From Table of Contents

COMPLETE LEGAL DESCRIPTION (or on a separate sheet): See above.

PRESENT ZONING RC ZONING REQUESTED A-2

PURPOSE FOR REQUEST TO REZONE See Sand and Gravel Mining. See attached Conditional Rezoning  
Statement of Conditions and other conditions described in submission

ESTIMATED COMPLETION DATE OF PROPOSED PROJECT 30 Years (subject to market conditions)

ARE YOU THE SOLE LEGAL OWNER OF PROPERTY?  YES  NO

Provide names, addresses and signatures for all persons with a legal or financial interest in the property. All persons  
having legal interest in the property must sign this application.

Name (Please Print)	Address	Interest	Signature
1. Detroit Area Council, Boy Scouts of America	1776 West Warren Ave., Detroit, Michigan 48208	Property Owner	
2.			
3.			

I do hereby swear that all the statements, signatures, descriptions and exhibits submitted on or with this application are true and accurate to the best of my knowledge and that I am authorized to file this application and act on behalf of all owners of the property.

[Signature] (For Owner and applicant - see certificate of authorization Attached) Nov. 11, 2015  
Signature of Applicant Date

Provide ten (10) copies of this completed form and a sketch plan of the property, which shall include the following, to the township clerk:

- 1) Size and shape of the property, drawn to scale.
- 2) Size and location of all proposed buildings.
- 3) Parking areas proposed and total number of spaces.
- 4) Proposed points of ingress and egress to site.
- 5) Expected number of (peak) employees.
- 6) Location and use of adjacent buildings.

Office Use Only

Date Received \_\_\_\_\_ By: \_\_\_\_\_ Fee Paid: \_\_\_\_\_  
Planning Commission: First Introduction (Date) \_\_\_\_\_ Public Hearing (Date) \_\_\_\_\_  
Sent To County On: \_\_\_\_\_ By: \_\_\_\_\_ Comments Received On: \_\_\_\_\_  
Township Board Action  Approved  Denied (Date): \_\_\_\_\_

Case # RZ -- ..

**METAMORA TOWNSHIP  
CONDITIONAL REZONING APPROVAL  
STATEMENT OF CONDITIONS**

This Statement of Conditions is made \_\_\_\_\_, 201\_, and executed by American Aggregates of Michigan, Inc., a Michigan corporation, whose address is \_\_\_\_\_ (“AAOM”) and Boy Scouts of America, Detroit Area Council, whose address is \_\_\_\_\_ (“Boy Scouts”).

**Background**

The Boy Scouts own the property identified in attached Exhibit “A” (“Boy Scouts Parcel”). AAOM leases the Boys Scouts Parcel from the Boy Scouts. AAOM has conditionally rezoned the Boy Scouts property from Recreation (RC) to Agricultural (A-2). As described in the conditional rezoning application, AAOM has conditionally rezoned the Boy Scouts Parcel to A-2 for the purpose of obtaining a Special Land Use permit that would allow AAOM to establish a mine on the Boy Scouts Parcel (together with other land owned by AAOM) (the “Project”). The parties are entering this Statement of Conditions in accordance with, and subject to, Section 2005.C. of the Metamora Township Zoning Ordinance.

**Statement of Conditions**

Now Therefore, in consideration of the Background and as required by Section 2005.C. of the Metamora Township Zoning Ordinance, the parties hereby declare and impose the following upon the Boys Scouts Parcel.

1. Condition. The Boy Scouts Parcel is and shall be subject to the condition that during the term of the conditional rezoning to Agricultural (A-2) it shall be used exclusively for “Mining of sand/gravel/topsoil” as contemplated by Section 402.P. of the Metamora Township Zoning Ordinance. Upon rezoning taking effect, the use and development of the Boy Scouts Parcel shall conform to the requirements of the Agricultural (A-2) zoning classification and the specific terms of the Special Land Use Approval that permits such mining of the Boy Scouts Parcel.

2. Running With The Land. This Statement of Conditions shall run with the land and shall be binding on the heirs, successors and assigns of the parties and upon all future owners and/or tenants of the Boy Scouts Parcel.

3. Incorporation of Project Approvals. As a condition of the rezoning, the Boy Scouts Parcel shall be developed and used in accordance with, and subject to, the terms of the Special Land Use Approval issued in connection with the Conditional Rezoning. AAOM has submitted extensive documents, studies, information, drawings, surveys and analyses in connection with the Project. All terms and conditions related to the final approval of the Project are hereby incorporated by reference.

4. Reversion to Prior Zoning. The parties acknowledge that failure to comply with the Statement of Conditions shall constitute a violation of the Metamora Township Zoning Ordinance and shall be punishable accordingly. The parties further acknowledge that Conditional Rezoning was established in accordance with, and subject to, AAOM and Boy Scouts rights under Public Act 113 of 2011. As such, any default or failure to comply, and any resulting reversion, must also constitute activity that is not protected by Public Act 113 of 2011.

IN WITNESS WHEREOF, the parties have accepted and imposed this Statement of Conditions as of the date set forth above.

BOY SCOUTS OF AMERICA  
DETROIT AREA COUNCIL

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

AMERICAN AGGREGATES OF MICHIGAN  
a Michigan corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

**[INSERT NOTARY LINES AT TIME OF EXECUTION]**

Drafted by and when recorded return to

J. Patrick Lennon  
Honigman, Miller, Schwartz and Cohn LLP  
350 East Michigan Avenue  
Suite 300  
Kalamazoo, Michigan 49007

EXHIBIT "A"

BOY SCOUTS PARCEL - LEGAL DESCRIPTION

