

FEE: \$300.00
CK # _____

**INTERIM APPLICATION FOR PERMIT FOR
ALTERATION AND CONSTRUCTION IN HIGH
RISK EROSION AREAS AND CRITICAL DUNE
AREAS.**

Note: Application will not be processed until all
necessary information is provided. To be considered
for Planning Commission action this application must
be in their hands ten (10) days prior to the meeting
date. Permit expires 1 year from date of issuance.

FOR OFFICE USE ONLY

Case No. 5-1913
Date Recd. 4/22/23
Evaluation Date 3/2/23
Planning Comm. Action
Approved / /
Denied / /
Reason, if denied _____

General Information Section

1. Project is located in Charlevoix County, St. James Township,
Town _____, Range _____, Section _____.
2. Property owners(s) name and address: James & Leslie Visser
2591 87th St.
Byron Center MI 49315
- Property Address: 37835 White Birch Road
3. Must provide property tax number of property involved: 15-013-702-140-00
Name of Plat (if any): _____ Lot Number 140
4. Description of proposed activity: New build - house w/ driveway,
well & septic
5. Date by which project will be staked for site evaluation: April 1, 2023
6. Estimated month and year project will begin: June, 2023
7. Date project area will be restabilized: _____
8. Provide location map and directions for staff to locate property. (Attach additional sheet).

I hereby authorize Department of Natural Resources staff and Township Officials to site inspect this
project and certify that the information provided in this application is true and accurate.

Applicant's signature: Leslie Visser

Type or print name: Leslie Visser

Address (if different from above) _____

City, State, and Zip Code _____

Phone number(s) where you can be contacted during the day 616-438-4124

Return Address: Rick Spack
Zoning Administrator
PO Box 29
Beaver Island, MI 49782

Critical Dunes Area Section

Fill in the following section for activities proposed in a critical dune area.

9. Specify permit approvals or denials received:

Agency	Type Permit	ID No.	Date Applied	Date Approved	Date Denied
Road Comm.	Driveway	D23002	4-19-23	4-20-23	
Health Dept.	Septic/well		4-19-23		

State reasons of permit denied or withheld: _____

10. PROPOSED USE:

- ☒ Single Family Home
☐ Multifamily Home
☐ Commercial
☐ Other (explain) _____

11. (a) What is the size of the parcel? .3
 (b) What is the size of the area being impacted? 1,012 (44x23)
 (c) What is the height of any proposed structure? ~18 Feet 22 Feet

12. Attach site plan of the parcel, drawn to scale (see instructions, page 3)

13. Does the proposed area to be impacted contain any slopes that are greater than 25%? NO
 NOTE: Construction on slopes 25-33% requires plans prepared by a registered architect or engineer.
 Construction on slopes greater than 33% is prohibited.

IMPORTANT: Depending upon the nature of your proposal and the topography of the site on which the use is proposed, you may be required to submit additional information. You will be informed if this is necessary.

High Risk Erosion Area Section

Fill in the following section for activities proposed in a high risk erosion area.

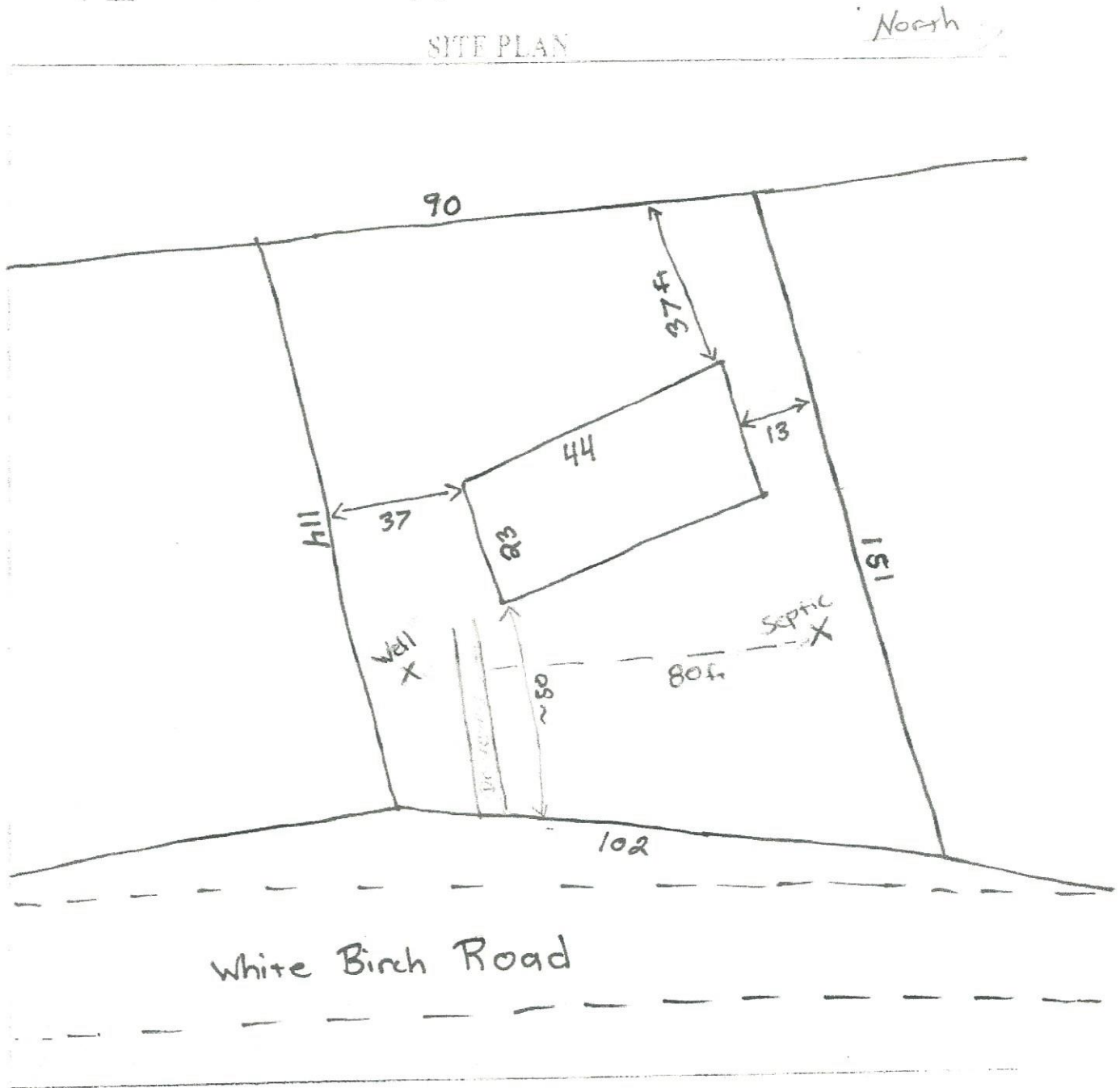
14. Minimum required setback _____ feet

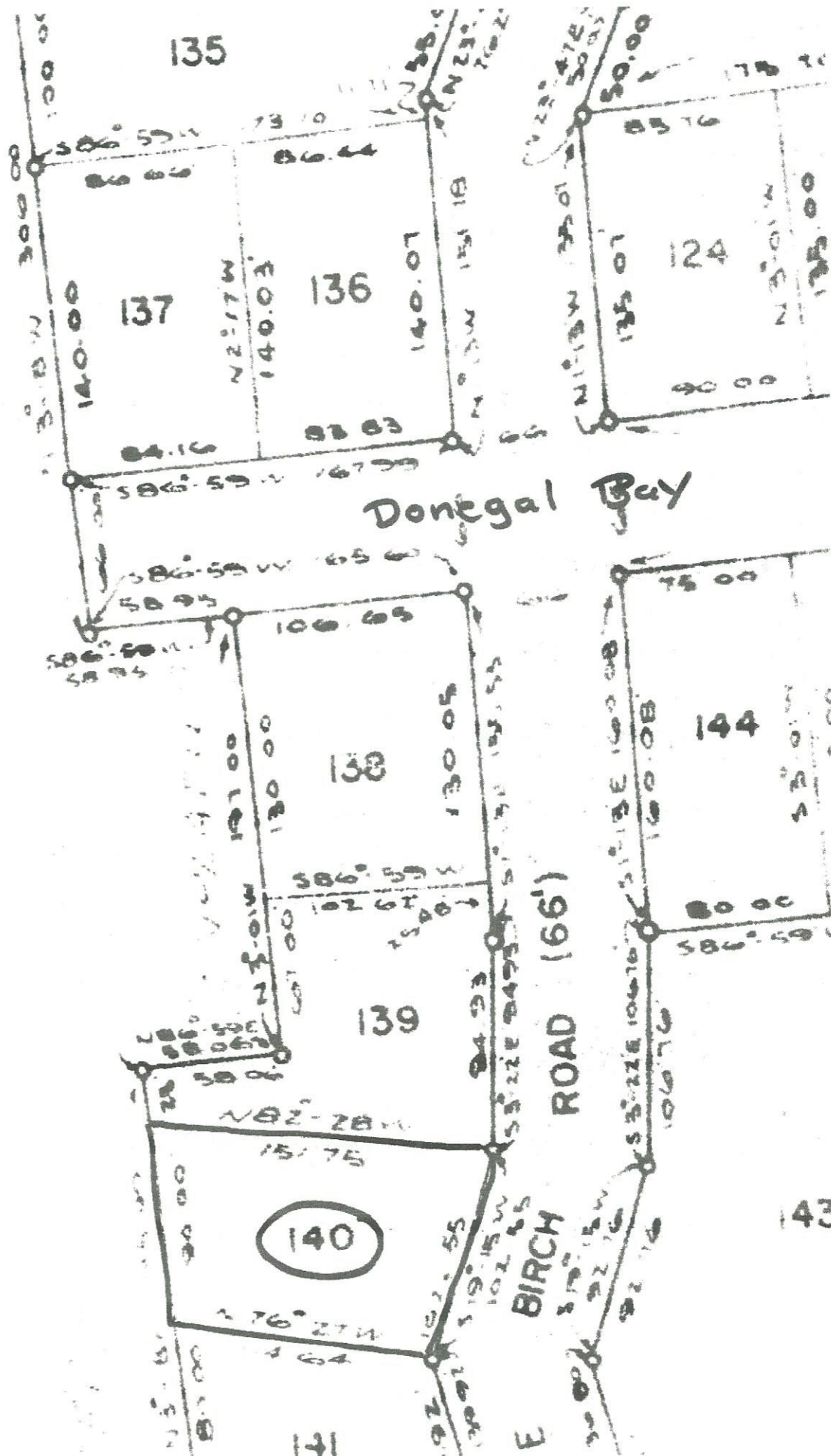
15. Attach sketch of proposed site (see instructions).

APPLICATION WILL NOT BE PROCESSED UNTIL ALL NECESSARY INFORMATION IS PROVIDED

SHOW THE FOLLOWING ON YOUR SITE PLAN:

- a) An arrow indicating NORTH.
- b) All items listed in Section III of page 2.





PEAINE TOWNSHIP
ZONING - DEVELOPMENT REVIEW APPLICATION

James & Leslie Visser
(applicant --person filing the application)

2591 87th St.
(address)

Byron Center, MI 49315
(city, state, zip code)

616-438-4124
(telephone, home and business)

PROPERTY OWNER'S NAME AND ADDRESS (if not the applicant)

OFFICE USE ONLY
Case number 51913
Date Rec'd 7/22/23
Fee Rec'd \$ 200.00
Receipt #
Hearing date 5/2/23

Parcel Number

Date:

Name:

Phone ()

APPLICANT'S CAPACITY IF NOT PROPERTY OWNER (circle one):

Builder Agent/other

PROPOSED CONSTRUCTION SITE ADDRESS (if known) 37835 White Birch Road

(If new construction, an address will not be known yet.)

PARCEL SIZE .3 acres ~100 x ~120
PROPERTY DESCRIPTION Port St. James No 2 Lot 140
PARCEL TAX ID NUMBER 15 - 013 - 202 - 140 - 00
ZONING DISTRICT (see zoning ordinance) Critical Dune

PROJECT DESCRIPTION

Total number of structures, units, bedrooms, offices: 1 structure w/ 1 bedroom and 1 loft area
Total floor areas, 2 levels parking spaces, 1 garages, —
Employment Levels for commercial and/ or industrial uses.
Amount of recreation and open space, type of recreation facilities to be provided as pertinent or otherwise required by this ordinance. (attach sheets if necessary) (☐ attached)

Name and address of all registered professionals involved with the proposed project, including engineers, architects, and surveyors. Plan shall contain the seal of a minimum of one (1) of the registered professionals responsible for preparation of the plan, if required by the ordinance.

Total acreage of the project 1.012 sq ft

Project's proposed beginning Summer 23 and completion schedule Summer 24 (by phase if the entire project is to be divided into phases.

If the project proposed is to be a condominium or site condominium, the proposed Master Deed is to be included with the application package.

Health department, soil erosion, and any other required county or state permits shall be submitted with the development plan to the Planning Commission.

General Information (continued)

F. Type of improvement: (check as many as appropriate)

- ☒ New Building ☐ Repair, replacement
☐ Addition ☐ Wrecking
☐ Alteration ☐ Moving, relocation
☐ Earth change involving land within 500 feet of a lake or stream:

Number of feet to the water _____.

Body of water involved _____

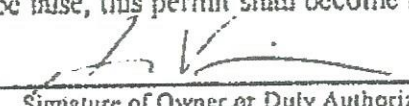
G. Names of Contractors involved in the project:

Curry Concrete (Bud Martin, Jim Wojan)
Roberts John Service

III. Complete a sketch (see page 3) or separate site plan, which MUST include

- A. Any existing structure(s) including location and exterior dimensions.
B. Proposed structure(s) including location and exterior dimensions.
C. Location of existing or proposed well and septic system.
D. Location of any public roads or rights-of-way and/or any easements which abut or traverse all or any part of this property.
E. Location of shore line if this site is within 500 feet of a lake or stream.
F. Location of structures on abutting lots that are within 10 feet of the property lines.
G. Depths of all yards; front, back, and side yards (distances from the building lines, including decks, porches, etc., to property boundaries.)
H. Other details as may be required by the Zoning Administrator.

I hereby depose and say, under the penalties of perjury, that all the statements and information contained herein or submitted with this application are true. If any statements or information are found at a later date to be false, this permit shall become null and void.



Signature of Owner or Duty Authorized Legal Agent

Leslie Kisser

DEVELOPMENT PLAN DETAILS:

Seven (7) copies of the Development Plan drawings shall be submitted with the application package, one of which shall be capable of being reproduced. The development plan shall consist of accurate drawings at a scale of 1" = 100' or less, showing the site and all land within 150' of the site. If multiple sheets are used, each shall be labeled and the preparer identified. Each set of development plan drawings shall depict the following.

- a) Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines, as well as the current land uses, zoning classifications on the subject parcel.
- b) Location and type of existing vegetation to be retained as well as those proposed to be removed if applicable.
- c) Location of existing and proposed buildings and intended use thereof, as well as the length, width and height of each building.
- d) Proposed location of accessory structures, buildings and uses, including but not limited to all satellite dishes over 3.5' in diameter, antennas, flag poles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where applicable.
- e) Location of all existing public and private easements including road and utility rights-of-way on or abutting the property.
- f) Location, design and dimensions of existing and/or proposed, barrier free access, or parking areas.
- g) Location, size and characteristics of all loading and unloading areas if applicable.
- h) Location of water supply lines and/or wells, and the location of waste water lines, and septic systems.
- i) Location of all other utilities on property including, but not limited to, propane, fuel oil, electric, satellite TV and telephone.
- j) Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.
- k) Location, size and specification of all signs.
- l) Exterior lighting locations with area of illumination depicted as well as the type of fixtures and shielding to be used.
- m) Location and type of fencing, walls and size and specifications for screening of all trash receptacles or other solid waste disposal facilities.
- n) Location and specifications for all proposed perimeter and internal landscaping or buffering features. Each new planting, will specify the type and size of plant or tree at the time of planting. All vegetation to be retained on the site, must also be indicated, as well as its size and specific location.
- o) Plan will contain an arrow indicating North, the scale of all drawings, and date of original submission and last revision.
- p) Other information deemed necessary by the Planning Commission to allow the Commission to determine whether the project will be harmonious with the community and to ensure the health, safety and welfare of the community is protected including but not limited to the following.
 - 1) The location and type of soils.
 - 2) Elevations of buildings, signs and other structures and typical elevation views of proposed structures.
 - a) The Zoning Administrator shall review the contents of the application package and shall forward said materials to the Planning Commission, upon determination that the application package is complete and meets all requirements of this ordinance.
 - b) The Planning Commission upon request of the applicant may waive certain requirements of the plan listed above provided the Planning Commission shall document on the record specific reasons why the identified requirements are being waived.

Address



Charlevoix County Equalization Department

301 State St, Charlevoix, MI 49720
 231-547-7230 Fax: 231-547-7232
 equalization@charlevoixcounty.org

Permanent Address Number Assignment

Prepared by: Tom Sheneman

Date: 3/31/2023

Charlevoix County reserves the right to change your permanent address number if you do not accurately indicate the location of your driveway along the road. This number is assigned to you in accordance with the Charlevoix County Uniform Numbering Ordinance, as amended. You are required to reference this address number when establishing service with utility service companies.

Address Assigned			
Number: <u>37835</u>	Street: <u>White Birch Rd</u>	Type: <u>Rd</u>	Directional: _____
Township: <u>St James</u>		Property Tax ID Number: <u>15-013-702-140-00</u>	
Road Type:	<input checked="" type="checkbox"/> Public	<input type="checkbox"/> Private	
Zip codes and City names used for mailing and/or non-emergency response purposes are determined by USPS. The following information is tentative and should be confirmed with the local USPS office:			
City: <u>Beaver Island</u>		Zip Code: <u>49782</u>	

Property Owner's Information:

Name: James Robert & Robin Leslie
 Mailing Address: 2591 87th St
 City/State/Zip: Byron Center MI 49315
 Phone Number: 616-438-4124

Applicant's Information:

Name: Robin Leslie
 Phone Number: 616-438-4124
 Email: jravisser@yahoo.com

Type of Structure:

- ☒ New house
☐ New utility service

- ☐ New garage/pole building
☐ Other: _____

Documents Provided:

- ☐ A final site plan or survey drawing indicating the position of your driveway and showing the approximate distance from your new driveway to the nearest road intersection or neighboring driveways.
 Notes: _____
☐ A copy of the official Township resolution approving your new road name
☐ A properly posted road name sign if your address is the first number addressed on the new road or easement access.

Posting your permanent address number:

Your permanent address number must be displayed with the top of address number sign set five feet above the roadway grade. White reflective numbers must be displayed on a green background. The sign must be posted before a building, plumbing, mechanical, or electrical permit inspection can be performed or certificate of occupancy can be issued in accordance with the County's Uniform Numbering Ordinance.

Additional Notes: Driveway entrance towards the south property line

For Internal Use Only

Entered: ☒ MSAG ☐ GIS ☒ Tax Map ☒ BS&A
 Sent to: ☒ Clerk ☐ INdigital ☒ USPS ☒ Assessor



2023 Permit Application - Septic System/Water Well
Antrim, Charlevoix and Emmet Counties

Residential

- ☒ Septic (New) - \$346
☐ Septic (Replacement) - \$346
☒ Well - \$271
☐ Septic Tank Only - \$260

Non-Residential

- ☐ Septic (New) - \$450
☐ Septic (Replacement) - \$450
☐ Type I Public Well - \$271
☐ Type III Public Well (Inc. Irrigation Wells) - \$271

FOR DEPARTMENT USE

Fee _____
Application # _____
Miss Dig Ticket # _____
Comp. Date: _____

Permits for the installation of sewage treatment and disposal systems and water supply systems are required under Sections 4-2 and 6-2 of the 2017 District Sanitary Code serving Antrim, Charlevoix, Emmet, And Otsego Counties. It is unlawful to construct, repair, alter, or extend such systems until permit(s) are issued by this agency.

Property Information Year Parcel Created: ☐ Prior to 1997 ☐ 1997-present Size of Parcel: 1.3 acres

County: Charlevoix

Property Tax ID# (MANDATORY): 15-013-702-140-00 Township: St. James Section#: _____

Address: 37835 White Birch Rd City: Brewer Island Zip code: 49782

Subdivision: _____ Lot #: _____

Total Number of sleeping areas: bedrooms 1 bunk rooms _____ bonus rooms _____ guest rooms _____ other 1 Loft area

Permit application for ☐ Replacement for an Existing Use ☒ New or Change of Use

Owner Information

Owner Name: James & Leslie Visser

Mailing Address: 2591 87th Street City: Byron Center State: MI Zip code: 49315

Phone Number: 616-438-4124 Email: Jvisser@yahoo.com

Send Report to (if other than owner)

Name: _____

Address: _____ City: _____ State: _____ Zip code: _____

Phone Number(required): _____ Email: _____

Existing Well - Out of Water: ☐ Yes ☒ No ☐ NA

Name of Well Driller: Bud Martin

Proposed Well Use: _____

Existing Septic - Failed or Failing: ☐ Yes ☒ No ☐ NA

Name of Septic Contractor: Jim Wojan

Septic System Age: _____

Proposed drainfield location identified: ☐ Yes ☒ No If No, by what date: 5-14-23

The area of the proposed drainfield must be clearly identified by digging 36"-48" deep test holes, providing flagging or marked in a manner that is highly visible and positively defines the proposed area.

Note: Sites with difficult soil conditions may require backhoe excavations, at the owner's expense, to complete permitting activity.

Non-Residential - Additional Information:

Type of Facility/Use: _____ Maximum # of People/Day: _____

Food Facility Only: _____ Number of Seats (including outdoor seating): _____ Number of Meals/Day: _____

This department requires that the owner or his/her representative draw a site plan and directions to the property described above. Please use the back of this form and attach the appropriate documentation. Failure to draw a site plan, or provide adequate directions to the property may delay the process of this permit/report.

I hereby authorize Health Department of Northwest Michigan to access the above described property to determine its suitability for the development plans indicated, to conduct such tests as may be necessary in order to obtain information required for this evaluation, and to conduct inspections of permitted facilities. I also agree to comply with the requirements of the District Sanitary Code for the county, and with the applicable laws of the State of Michigan.

Signature of Owner: Leslie Visser Phone #: 616-438-4124 Date: 4-19-23

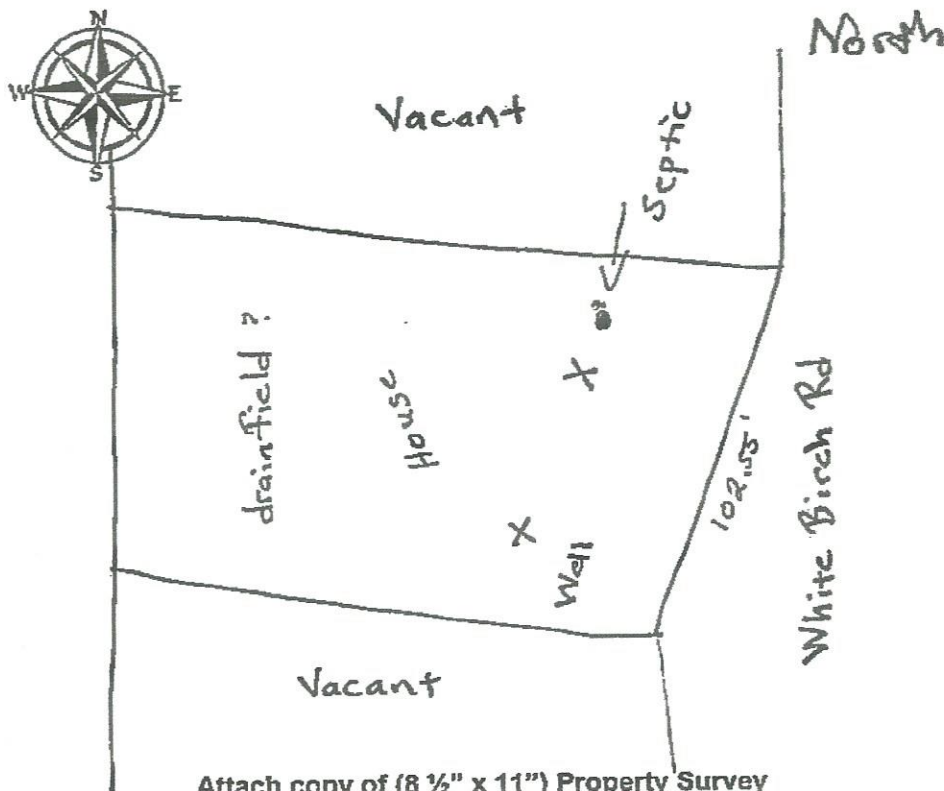
Directions to site: (Include name of nearest crossroad/landmarks/neighboring house number) _____

Doneyal Bay Road to White Birch Rd, 3rd parcel on right

INCLUDE ON SKETCH (If Known):

1. Property lines/dimensions
2. Location of ALL buildings – include distance to roads/landmarks
3. Well locations - (proposed and/or existing) distance to septic/drain field
4. Neighboring well/septic system locations
5. Septic tank and drainfield location(s) - proposed and/or existing
6. Location(s) of streets/roads
7. Location(s) of body(ies) of water
8. Location(s) of underground and above ground fuel storage tanks
9. Test hole locations - ~~X~~ X
10. Indicate proposed additions/changes to existing buildings for remodeling
11. Attach existing and proposed floor plan for remodeling.
12. Location of utilities; i.e. electric, gas, phone (call Miss Dig 811)

PLEASE COMPLETE A SITE PLAN SKETCH BELOW



Attach copy of (8 1/2" x 11") Property Survey

Office Locations

Antrim
209 Portage Dr.
Bellaire, MI 49615
(231) 533-8670
Fax (231) 533-8450

Charlevoix
220 W. Garfield
Charlevoix, MI 49720
(231) 547-6523
Fax (231) 547-6238

Emmet
3434 Harbor-Petoskey Rd., Suite A
Harbor Springs, MI 49740
(231) 347-6014
Fax (231) 347-2861

Otsego
95 Livingston Blvd.
Gaylord, MI 49735
(989) 732-1794
Fax (989) 732-3285

FOR HEALTH DEPARTMENT USE ONLY:

Date Received: _____ Amount Received: _____ Cash: _____ Check: _____ CC # _____

Receipt #: _____

☐ Mound Design/Review:

Date Received: _____ Amount Received: _____ Cash: _____ Check: _____ CC # _____

Receipt #: _____

RECEIVED CHARLEVOIX CO.

2020 MAY -8 AM 9:00

RECEIVED FOR RECORD

STATE OF MICHIGAN, COUNTY OF CHARLEVOIX
SHIRLEY M. COBLENTZ, REGISTER OF DEEDS

05/08/2020 12:30:08 PM PAGES: 2



QUIT CLAIM
DIRECT SALE DEED

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

Issued under Act 401, Public Laws of 1954, 86 Stat. 1011



THIS DEED, made this 27th day of February, 2020 BY AND BETWEEN, the DEPARTMENT OF NATURAL RESOURCES for the STATE OF MICHIGAN, by authority of the Natural Resources and Environmental Protection Act, Act 451, P.A. of 1994, as amended, hereafter called "Grantor", and

James Robert Visser And Leslie Robin Visser, As Tenants by the Entirety (A Married Couple)
2591 87th Street
Byron Center, MI 49315

hereafter called "Grantee".

WITNESS, that under the authority of Act 451, P.A. of 1994, the Director of the Department of Natural Resources authorized the sale of the land to Grantee in consideration of THREE THOUSAND SIX HUNDRED SEVEN and 00/100 DOLLARS (\$3,607.00). The Grantor, acting for and in behalf of the State of Michigan under and by authority of Act 451, P.A. of 1994, hereby grants, conveys, releases and quit-claims unto the Grantee and to Grantee's heirs, successors, and assigns, all the right, title and interest acquired by the State of Michigan in and to the following described land located in the County of _____, State of Michigan:

Township of SAINT JAMES
Port St. James No. 2

DNR Parcel ID
330125

SUBJECT TO any and all rights-of-way, encumbrances, restrictions, and/or easements of record or otherwise.

The grantor grants to the grantee the right to make zero (0) division(s) under Sec. 108 of the Land Division Act, Act 288, Public Acts of 1967.

SAVING AND EXCEPTING OUT OF THIS CONVEYANCE and always reserving unto the said State of Michigan, all mineral, coal, oil and gas, lying and being on, within or under the said lands hereby conveyed, except sand, gravel, clay or other nonmetallic minerals with full and free liberty and power to the said State of Michigan, its duly authorized officers representatives and assigns, and its or their lessees, agents and workmen, and all other persons by its or their authority, or permission, whether already given or hereafter to be given at any time and from time to time, to enter upon said lands and take all usual necessary, convenient means for carrying out the same, without liability to pay compensation therefor, and to do all things necessary, convenient and proper to carry out the same.

THE STATE OF MICHIGAN, County of _____, ss. I, _____, Clerk of the Court, do hereby certify that the foregoing is a true and correct copy of the original as the same appears of record in my office.

WITNESS my hand and the seal of my office this _____ day of _____, 200__.

Scott D. Goeman, Manager Real Estate Services

STATE OF MICHIGAN }

County of _____ }

Notary Public for the State of Michigan, My Commission Expires _____, 20__.

Notary Public for the State of Michigan
My Commission Expires _____, 20__

Prepared by:
Michael Michalek
DNR Real Estate Services
P.O. Box 30448
Lansing, Michigan 48909-7948

After Recording Return to:
Grantee

14482193

Driveway Permit

CHARLEVOIX COUNTY
ROAD COMMISSION
1251 Boyne Avenue
Boyne City, MI 49712
231.582.7330

County Use Only	
Permit No.	023002
Issue Date	4/20/23
Permit Fee	\$25.00
Bond No.	
Amount	

APPLICATION AND PERMIT

To construct, operate, maintain, use and/or remove within a county road right-of-way
If applicant hires a contractor to perform the work, BOTH must complete this form and BOTH assume responsibility for the provisions of this Application and Permit.

APPLICANT	CONTRACTOR
NAME James Visser	NAME James Visser
ADDRESS 2591 87th street	ADDRESS
CITY/STATE/ZIP Byron Center/MI/49315	CITY/STATE/ZIP
TELEPHONE NO. (816)438-4124	TELEPHONE NO. ()
Applicant's Signature <i>[Signature]</i>	Contractor's Signature
Title Date 4/19/2023	Title Date
FINANCIAL REQUIREMENTS	ATTACHMENTS REQUIRED
Application Fee \$	Plans and Specs
Permit Fee \$ 25.00	Bond
Est. Inspec. Fee \$	Proof of Insurance
Bond \$	Yes No
Other \$	P.L. \$ P.D. \$
To Be Billed \$	Other
Receipt Number CC	
Dated 4/20/23	

APPLICATION

Applicant and/or Contractor request a permit for the purpose indicated herein and/or in attached plans and specifications at the following location:

37835 White Birch Road

Street Names

Section 15-013-702-140-00 Township St James White Birch approx 224 S of Donegal Bay

Enter street name and distance from nearest intersection or house

for a period beginning and ending and agrees to the terms of the permit. It is understood that all activity resulting from the granting of this permit is to be in accordance with all Specifications and Conditions referred to or included hereon and any Attachments for Additional Requirements. It is further understood that in the event any facility covered under this Permit interferes with any future use of right-of-way for highway purposes, the Permit Holder, at his/her expense, will move or remove the facility at the direction of the Road Commission.

General Description and Nature of Request

DRIVEWAY

Use: ☐ Commercial ☒ Residential 16 width Surface: ☐ Bituminous ☐ Concrete ☒ Gravel

CULVERT

Use: ☐ Drive ☐ Cross Type: ☐ Concrete ☐ Metal ☐ Plastic Size: Dia Length NO CULVERT

UTILITY

☐ Water ☐ Gas ☐ Power ☐ Sanitary Sewer ☐ Telephone ☐ Cablevision
Length Size Distance from Centerline

MISCELLANEOUS

(Specify) Requesting permit for a driveway at 37835 White Birch Rd, Beaver Island for a new build. This will be a natural driveway with no asphalt or concrete. It will be on the south side of the parcel (left side when facing the parcel from the road). The property is the third parcel off the intersection of White Birch and Donagay Bay Rd.

PERMIT

A permit is granted in accordance with the foregoing application for the period stated above, subject to the following terms agreed to by the Permit Holder. When Applicant hires a Contractor the "Permit Holder" is the Applicant and Contractor.

Remarks: No Culvert required. Due to the location of this proposed driveway being the low point along the road, water may run down this driveway off from White Birch Rd.

CHARLEVOIX COUNTY ROAD COMMISSION

Approved by

[Signature]
Signature Authorized Representative

Approved
[Signature]
4/20/23

April 20, 2023
Date

Staff Engineer
Title

Additional Requirements

1. **SPECIFICATIONS.** All work performed under this permit must be done in accordance with the plans, specifications, maps and statements filed with the Commission and must comply with the Commission's current requirements and specifications on file at its office and M.D.O.T. specifications.
2. **FEE'S AND COSTS.** Permit Holder shall be responsible for and pay all fees established by the Commission in connection with the applications for an issuance of this permit.
3. **BOND.** Permit Holder shall provide a cash deposit, letter of credit or bond in a form and amount acceptable to the Commission at the time permit is issued, if in the sole judgement of the Commission such security is necessary before work commences.
4. **INSURANCE.** Permit Holder shall furnish proof of liability and property damage insurance in the amount stated on this permit naming the Commission as an insured. Such insurance shall cover a period not less than the term of this permit and shall provide that it cannot be cancelled without ten (10) days advance notice by certified mail with return receipt required to the Commission.
5. **INDEMNIFICATION.** Permit Holder shall hold harmless and indemnify and keep indemnified the Commission, its officers and employees from all claims, suits and judgments to which the Commission, its officers, or employees may be subject and for all costs and actual attorney fees which may be incurred on account of injury to persons or damage to property, including property of the Commission, whether due to the negligence of the Permit Holder or the joint negligence of the Permit Holder and the Commission, whether due to the negligence of the Permit Holder or the joint negligence of the Permit Holder and the Commission, arising out of the work under this permit, or in connection with work not authorized by this permit, or resulting from failure to comply with the terms of this permit, or arising out of the continued existence of the work product which is the subject of this permit.

Permit Holder shall also hold harmless and indemnify and keep indemnified the Commission, its officers and employees from all claims, suits and judgments to which the Commission, its officers or employees may be subject and for all costs and actual attorney fees which may be incurred on account of negligence which may be incurred or brought for damage to trees or other natural vegetation arising out of the work under this permit or in connection with work not authorized by this permit, or resulting from failure to comply with the terms of this permit, or arising out of the continued existence of the work product which is the subject of this permit.

Permit Holder shall also hold harmless and indemnify and keep indemnified the Commission, its officers and employees from all claims, suits and judgments to which the Commission, its officers or employees may be subject and for all costs and actual attorney fees which may be incurred on account of any litigation brought concerning the nature, extent or existence of the highway right-of-way in which the work under this permit is being performed.

6. **MISS DIG.** The Permit Holder must comply with the requirements of Act 53 of Public Acts of 1974, as amended. **CALL MISS DIG AT (800) 482-7171 AT LEAST TWO (2) FULL WORKING DAYS, BUT NOT MORE THAN TWENTY-ONE (21) CALENDAR DAYS, BEFORE YOU START WORK.** Permit Holders assumes all responsibility for damage to or interruption of underground facilities.
7. **NOTIFICATION OF START AND COMPLETION OF WORK.** Permit Holder must notify the Commission at least 48 hours before starting work and must notify the Commission when work is completed.
8. **TIME RESTRICTIONS.** All work shall be performed Mondays through Fridays between 8:00 AM and 5:00 PM, unless written approval is obtained from the Commission, and work shall be performed only during the period set forth in this permit.
9. **SAFETY.** Permit Holder agrees to work under this permit in a safe manner and to keep the area affected by this permit in a safe condition until the work is completed. All work site conditions shall comply with Michigan Manual of Uniform Traffic Control Devices.
10. **RESTORATION AND REPAIR OF ROAD.** Permit Holder agrees to restore the road and right-of-way to a condition equal to or better than its condition before the work began; and to repair any damage to the road right-of-way which is the result of or related to the work performed under this permit, whenever it occurs or appears.
11. **LIMITATION OF PERMIT.** The permit does not relieve Permit Holder from meeting other applicable laws and regulations of other agencies. Permit Holder is responsible for obtaining additional permits or releases which may be required in connection with this work from other governmental agencies, public utilities, corporations and individuals, including property owners.
12. **PERMISSION/TITLE ISSUES FOR UNDERLYING AND ADJACENT LANDS.** This permit only indicates the Commission's consent to the specified activity within the County Road Right-of-Way. It does not grant or convey to the Permit Holder any land title rights to any underlying or adjacent lands. Furthermore, it does not grant or imply any permission that may be necessary for activity on adjacent lands. The Permit Holder is solely responsible for resolving any applicable permission or land title concerns with third parties concerning underlying and adjacent lands.
13. **REVOCATION OF PERMIT.** The permit may be suspended or revoked at will, and the Permit Holder shall surrender this permit and alter, relocate or remove its facilities at its expense at the request of the Commission.
14. **VIOLATION OF PERMIT.** This permit shall become immediately null and void if Permit Holder violates the terms of this permit, and the Commission may require immediate removal of Permit Holder's facilities, or the Commission may remove them without notice at Permit Holder's expense.
15. **ASSIGNABILITY.** This permit may not be assigned without the prior approval of the Commission. If approval is granted, the assignor shall remain liable and the assignee shall be bound by all terms of this permit.
16. This permit is subject to any supplemental specifications which may be on file with the Commission and is further subject to any relevant Michigan statutes including but not limited to MCL 224.19b and MCL 247.321 et seq.