

**Agenda**  
**Planning and Policy Committee**  
**West Olive Administration Building – Board Room**  
**12220 Fillmore Street, West Olive, Michigan 49460**  
**Thursday, May 12, 2011**  
**9:30 AM**

**Consent Items:**

1. Approval of the Agenda
2. Approval of April 14, 2011 Planning and Policy Committee Minutes

**Action Items:**

3. Declaration of Restriction on Land Use at Eastmanville Bayou  
Suggested Motion:  
To approve and forward to the Board of Commissioners the Declaration of Restriction on Land Use placing restrictions on wetlands at the Eastmanville Bayou Open Space property as requested by the Corps of Engineers in conjunction with granting a permit for improvements at this site.

**Discussion Item:**

4. Military Service Credits Policy, Marie Waalkes
5. Closed Session to Discuss Property Acquisition  
Suggested Motion:  
To go into closed session for the purpose of discussing property acquisition.  
(2/3 roll call vote required)

**Adjournment**

**Comments on the day's business are to be limited to three (3) minutes.**

## PLANNING & POLICY COMMITTEE

### Proposed Minutes

DATE: April 14, 2011

TIME: 9:30 a.m.

PLACE: Fillmore Street Complex

PRESENT: Dennis Swartout, Stu Visser, James Holtvluwer, Roger Rycenga

ABSENT: Jane Ruiter

STAFF & GUESTS: Alan Vanderberg, Administrator; Keith VerBeek, Assistant Administrator; Greg Rappleye, Corporate Counsel; Sherri Sayles, Deputy Clerk; John Scholtz, Parks & Recreation Director

#### SUBJECT: CONSENT ITEMS

PP 11-018 Motion: To approve the agenda of today as presented and to approve the minutes of the March 10, 2011, meeting as presented.

Moved by: Swartout UNANIMOUS

#### SUBJECT: INCLUDING OUR NEIGHBORS GRANT AGREEMENT (ION)

PP 11-019 Motion: To approve and forward to the Board of Commissioners the Including Our Neighbors (ION) Grant agreement with United Cerebral Palsy of Michigan to fund the Animal Adaptations program at the Ottawa County Parks Nature Education Center with matching funds from the Parks and Recreation budget.

Moved by: Holtvluwer UNANIMOUS

#### SUBJECT: UTILITY LINE EASEMENT

PP 11-020 Motion: To approve and forward to the Board of Commissioners the Dry Fire Line Utility Easement Agreement with Park Township.

Moved by: Swartout UNANIMOUS

#### SUBJECT: CLOSED SESSION TO DISCUSS PROPERTY ACQUISITION

PP 11-021 Motion: To go into Closed Session at 9:35 a.m. for the purpose of discussing property acquisition. (2/3 roll call vote required).

Moved by: Swartout UNANIMOUS

Roll call vote: Yeas: Swartout, Visser, Holtvluwer, Rycenga. (4)

PP 11-022

Motion: To rise from Closed Session at 10:02 a.m.

Moved by: Swartout

UNANIMOUS

SUBJECT: ADJOURNMENT

PP 11-023

Motion: To adjourn at 10:03 a.m.

Moved by: Holtvluwer

UNANIMOUS

# Action Request



**Committee:** Planning and Policy Committee

**Meeting Date:** 5/12/2011

**Requesting Department:** Parks and Recreation

**Submitted By:** Keith Van Beek

**Agenda Item:** Declaration of Restriction on Land Use at Eastmanville Bayou

## SUGGESTED MOTION:

To approve and forward to the Board of Commissioners the Declaration of Restriction on Land Use placing restrictions on wetlands at the Eastmanville Bayou Open Space property as requested by the Corps of Engineers in conjunction with granting a permit for improvements at this site.

## SUMMARY OF REQUEST:

Ottawa County Parks has been seeking a permit from the Army Corps of Engineers for over a year to make improvements at the Eastmanville Bayou Open Space property located near Eastmanville Bridge where 68th Avenue crosses the Grand River. As part of the proposed project, a small boat launch will be constructed to provide access to Eastmanville Bayou. This boat launch will negatively impact some wetlands along the shoreline. To compensate for this wetland loss, the Corps of Engineers has requested Ottawa County's approval of the attached Declaration of Restriction on Land Use which would guarantee we would not seek approval in the future to impact wetlands immediately adjacent to our project area. Ottawa County Parks views this as a reasonable request which will not negatively impact future plans. The Parks Commission recommends approval of the Declaration of Restriction on Land Use as presented.

## FINANCIAL INFORMATION:

Total Cost: \$0.00      General Fund Cost: \$0.00      Included in Budget:     Yes     No

If not included in budget, recommended funding source:

## ACTION IS RELATED TO AN ACTIVITY WHICH IS:

Mandated       Non-Mandated       New Activity

## ACTION IS RELATED TO STRATEGIC PLAN:

Goal: 3: To Contribute to a Healthy Physical, Economic, & Community Environment.

Objective: 4: Continue initiatives to positively impact the community.

**ADMINISTRATION RECOMMENDATION:**     Recommended     Not Recommended     Without Recommendation

County Administrator: Alan G. Vanderberg

Digitally signed by Alan G. Vanderberg  
DN: cn=Alan G. Vanderberg, c=US, ou=County of Ottawa, ou=Administrator's Office, email=avanderberg@ottawa.org  
Reason: I am approving this document  
Date: 2011.05.05 13:49:10 -0400

Committee/Governing/Advisory Board Approval Date:



## MEMORANDUM

Date: July 19, 2010  
To: Ottawa County Board of Commissioners  
From: John Scholtz, Parks and Recreation Director  
RE: Declaration of Restriction on Land Use at Eastmanville Bayou

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Ottawa County Parks has been seeking a permit from the Army Corps of Engineers for over a year to make improvements at the Eastmanville Bayou Open Space property located near Eastmanville Bridge where 68<sup>th</sup> Avenue crosses the Grand River. As part of the proposed project, a small boat launch will be constructed to provide access to Eastmanville Bayou. This boat launch will negatively impact some wetlands along the shoreline. To compensate for this wetland loss, the Corps of Engineers has requested Ottawa County's approval of the attached Declaration of Restriction on Land Use which would guarantee we would not seek approval in the future to impact wetlands immediately adjacent to our project area. Ottawa County Parks views this as a reasonable request which will not negatively impact future plans. The Parks Commission recommends approval of the Declaration of Restriction on Land Use as presented.

Proposed motion:

To approve and authorize the Board Chair and Clerk to sign the Declaration of Restriction on Land Use placing restrictions on wetlands at the Eastmanville Bayou Open Space property as requested by the Corps of Engineers in conjunction with granting a permit for improvements at this site.

This request relates to a non-mandated activity and supports Goal 3 of the Board of Commissioner's Strategic Plan: *To contribute to a healthy physical, economic, and community environment.*

DECLARATION OF RESTRICTION  
ON LAND USE

THIS DECLARATION is made this 24th day of May, 2011 by The County of Ottawa, 12220 Fillmore Street, West Olive, Michigan 49460 (herein referred to as "Owner").

Owner is the title holder of certain property located in Allendale Township, Ottawa County, Michigan described on attached Exhibit "A" and which property is referred to herein as the "Property".

The Property contains areas which have been identified as "waters of the United States, including wetlands," as defined in regulations promulgated pursuant to Section 404 of the Clean Water Act (33 CFR 328.3 (b)), and

Owner desires to obtain reasonable use of the Property by constructing a boat launch on a portion of the Property, but any such boat launch facility requires certain improvements being constructed in portions of the waters of the United States. The improvements include gravel access drives and parking areas and a concrete launch ramp which require a Department of the Army permit. The locations of the improvement areas are shown on the sketch attached hereto as Exhibit "B," and

Owner has agreed to voluntarily restrict any activities in areas on the Property, as shown on the sketch attached, and depicted thereon as "Preserved Area", and

Owner has agreed to minimize detriments to resources in the Preserved Area remaining outside the improvement areas in exchange for and as a condition of authorization of the improvements by the Department of the Army, United States of America, Corps of Engineers ("Corps").

Owner hereby declares and covenants that no discharging of dredged or fill material, dredging, or other altering, modification or development of the Preserved Area shall be undertaken, and that they will ensure, to the best of their ability, that the vegetation, soils, and hydrology of the Preserved area shall remain in an unaltered, natural condition.

The restriction and covenant created herein shall be perpetual, and shall be binding upon the Owner and their legal representatives, heirs, and assigns. The Corps and its

successors and designees, shall have the right to enforce any of the provisions contained herein against the Owner and their legal representatives, heirs, and assigns.

IN WITNESS WHEREOF, this undersigned, being the Owner herein, have executed this instrument on the day set forth above.

\_\_\_\_\_  
Philip Kuyers, Chair  
Ottawa County Board of Commissioners

\_\_\_\_\_  
Daniel C. Krueger  
Ottawa County Clerk

WITNESSES:

\_\_\_\_\_  
STATE OF MICHIGAN     )  
                                  ) ss.  
COUNTY OF OTTAWA     )

On this 24<sup>th</sup> day of May, 2011 before me, a notary public in and for said county, personally appeared Philip Kuyers, Ottawa County Board Chair, and Daniel C. Krueger, Ottawa County Clerk, and made oaths that they executed the within Declaration of Restriction on Land Use of their own free act and deed.

\_\_\_\_\_  
Notary Public  
Ottawa County, Michigan  
Acting in Ottawa County, Michigan  
My Commission Expires September 11, 2013

## EXHIBIT "A"

### LEGAL DESCRIPTION

The land referred to herein below is situated in the Township of Allendale, County of Ottawa, and State of Michigan, to wit:

**Parcel 1:**

Government Lot 4, Section 10, T7N, R14W, Allendale Township, Ottawa County, Michigan, lying North of the Bayou. (100-001)

**Parcel 2:**

That part of Government Lot 3, Section 10, T7N, R14W, Allendale Township, Ottawa County, Michigan, lying North of the Bayou, except commencing 566.93 feet South of the North 1/4 corner, thence South 135 feet, thence West 159 feet, thence North 135 feet, thence East 159 feet to beginning, also except the East 46 feet for road right-of-way.

Together with a perpetual easement appurtenant for the purpose of ingress and egress, and installation, maintenance and repair (including reconstruction) of utilities over the following described portion of the premises conveyed herein: Commencing at the North 1/4 corner of said Section 10; thence S0°00'W 566.93 feet along the N-S 1/4 line of said Section; thence N90°00'W 33.0 feet to the place of beginning for said easement; thence S0°00'W 135.0 feet; thence N90°00'W 25.0 feet; thence N0°00'E 110.0 feet; thence N90°00'W 101.0 feet; thence N0°00'E 25.0 feet; thence S90°00'E 126.0 feet to the place of beginning for said easement. Also, subject to highway R.O.W. for 68th Avenue over the Easterly 33.0 feet thereof. (100-010)

**Parcel 3:**

That part of Government Lot 3, Section 10, T7N, R14W, Allendale Township, Ottawa County, Michigan, described as: Beginning at a point on the N-S 1/4 line of said Section which is S0°00'W 566.93 feet from the N 1/4 corner of said Section; thence S0°00'W 135.0 feet; thence N90°00'W 159.0 feet; thence N0°00'E 135.0 feet; thence S90°00'E 159.0 feet to the point of beginning.

Reserving to Grantors a perpetual easement appurtenant for the purpose of ingress and egress, and installation, maintenance and repair (including reconstruction) of utilities over the following described portion of the premises conveyed herein: Commencing at the North 1/4 corner of said Section 10; thence S0°00'W 566.93 feet along the N-S 1/4 line of said Section; thence N90°00'W 33.0 feet to the place of beginning for said easement; thence S0°00'W 135.0 feet; thence N90°00'W 25.0 feet; thence N0°00'E 110.0 feet; thence N90°00'W 101.0 feet; thence N0°00'E 25.0 feet; thence S90°00'E 126.0 feet to the place of beginning for said easement. Also, subject to highway R.O.W. for 68th Avenue over the Easterly 33.0 feet thereof.

The easement reserved shall benefit and run with the following described property:

That part of Government Lot 3, Section 10, T7N, R14W, Allendale Township, Ottawa County, Michigan, lying North of the Bayou, except commencing 566.93 feet South of the North 1/4 corner, thence South 135 feet, thence West 159 feet, thence North 135 feet, thence East 159 feet to beginning, also except the East 46 feet for road right-of-way. (100-011)







# County of Ottawa

## PURCHASE OF MILITARY SERVICE CREDITS POLICY

### I. POLICY

This policy outlines the eligibility of Ottawa County employees to purchase qualified active duty military service credits.

#### A. Employees Eligible on or before January 1, 2009:

The Ottawa County Board of Commissioners will approve allowing the purchase of up to four (4) years for active duty military service which occurred prior to January 1, 1999, for eligible benefited employees of the County who have at least ten (10) years of credited service with MERS. Commissioners must have eight (8) years of credited service with MERS.<sup>1</sup>

Eligible employees under this section will have up until January 1, 2014 (five years) to purchase eligible military service credits. Payment due from the employee prior to allowing the purchase is 5% of the last four quarters of earnings reported to MERS multiplied by the years and months to be credited.

#### B. Employees Eligible after January 1, 2009:

The Ottawa County Board of Commissioners will approve allowing the purchase of up to two (2) years for active duty military service which occurred prior to January 1, 1999, for eligible benefited employees of the County who have at least ten (10) years of credited service with MERS. Commissioners must have eight (8) years of credited service with MERS.

Eligible employees under this section will have up until January 1, 2024 (15 years) to purchase eligible military service credits. Payment due from the employee prior to allowing the purchase is 5% of the last four quarters of earnings reported to MERS multiplied by the years and months to be credited.

#### C. Employees hired after January 1, 2009:

Employees hired after January 1, 2009 may purchase military service credits in accordance with the MERS military service credit policy. The employee will be responsible for the full amount of the purchase with no employer contribution.

Service will not be granted for active military time which is or could be used for obtaining or increasing a benefit from another retirement system, a copy of the military discharge papers must be filed with the Human Resources Department with payment from the employee.

The Board of Commissioners further authorizes the submission of required individual Resolutions to MERS for implementation of this policy.

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<sup>1</sup> Members of the Board of Commissioners have an eight (8) year vesting period.



# County of Ottawa

## II. STATUTORY REFERENCES

None

## III. COUNTY LEGISLATIVE OR HISTORICAL REFERENCES

Board of Commissioners Resolution Number and Policy Adoption Date: December 8, 1998, B/C 98-359, 98-409/ Date reviewed: September 19, 2001.

Board of Commissioners Resolution Number and Policy Adoption Date: September 23, 2008, B/C 08-218

Name and Date of Last Committee Review: Planning and Policy, September 11, 2008

## IV. REVIEW PERIOD

The Internal Policy Review Team will review this Policy at least once every two years, and will make recommendations for changes to the Planning & Policy Committee.