

East Bay Charter Township

# 2

Seasonal Dock Request

Tamarack Development Associates

Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_

To

Approve

Table

Deny

The Request by Tamarack Development Associates to place a seasonal dock and four seasonal small craft mooring balls to be used by the Tamarack Lodge Condominium owners and rental guests as presented by application to the MDEQ

Roll Call Vote:

Aye: \_\_\_\_\_

Nay: \_\_\_\_\_

Abstain: \_\_\_\_\_

Absent: \_\_\_\_\_

Motion:

Passed

Failed

## Sue Courtade

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**From:** RC Hermann [rchermann@chartermi.net]  
**Sent:** Tuesday, July 22, 2008 5:12 PM  
**To:** Sue Courtade  
**Subject:** Tamarack Responses to Board of Trustees Questions  
**Attachments:** Tamarack Responses to Board of Trustees Questions.doc

Susanne;

Attached as a file is my response to the questions you asked me to address. If you can think of any additional questions, please do not hesitate to contact me and I will update the attached memo.

RC

No virus found in this incoming message.

Checked by AVG - <http://www.avg.com>

Version: 8.0.138 / Virus Database: 270.5.4/1566 - Release Date: 7/22/2008 6:00 AM

# TAMARACK DEVELOPMENT ASSOCIATES, LLC

2035 US 31 North, Traverse City, Mi. 49686

ph. 231-256-9220 Fax 231-256-0693

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## MEMO

To: Susanne M. Courtade

Date: July 22, 2008

From: R.C.Hermann

Subject: Bottomlands conveyance

Dear Susanne;

Thank you for updating me on the questions posed by the Board of Trustees at its' last meeting. I also spoke with Glen Lile concerning these issues and submit the following responses:

### 1. Nature of Dock

This is a seasonal dock and is intended for the exclusive use of Tamarack Lodge owners and rental guests. It will not be available to the general public. The dock is intended for the loading and unloading of small boats, pontoon boats and jet skis. These craft may tie up alongside the dock for short periods of time but overnight docking will not be allowed. There are no boat slips included as the dock is not presently configured for this use.

### 2. Location of Dock

The dock will be positioned approximately 100 ft east of our west lot line, which abuts the public boat launch. I would have preferred a location farther to the east of the public boat launch, but this location was acceptable to the MDEQ and USACE and they gave their consent to submit this application.

### 3. Moorings

The bottomland easement allows for four (4) mooring anchors positioned at a water depth of 36" to 48". These mooring anchors are intended for the exclusive use of Tamarack Lodge owners and rental guests and will be available for the overnight mooring of small watercraft.

I will be attending the August 11 Board of Trustees meeting should any additional questions arise.

R.C.Hermann

# TAMARACK DEVELOPMENT ASSOCIATES, LLC

2035 US 31 North, Traverse City, Mi. 49686

ph. 231-256-9220 Fax 231-256-0693

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Board of Trustees  
East Bay Township  
Traverse City, Michigan 49686

July 9, 2008

RE: Bottomland Conveyance

Dear Board Members;

Tamarack Development Associates, LLC, the development entity for Tamarack Lodge, 2035 US 31 N, Traverse City, together with the Tamarack Lodge Condominium Association and Copperfield Investors, LP, the owner of the east and west expansion sites adjacent to Tamarack Lodge, are in the process of requesting a bottomland conveyance from the MDEQ. The application for the bottomland conveyance requests consent to place a 300 ft. seasonal dock and four seasonal small craft mooring balls in the waters of East Bay on the water side of Tamarack and its future expansion sites. The dock and mooring balls will be for the exclusive use of the Tamarack Lodge condominium owners and rental guests.

The MDEQ application, a copy of which is attached hereto, requires a resolution from the East Bay Township Board of Trustees approving the bottomlands conveyance as part of the application process. I therefore respectfully request that the Board consent to the bottomland conveyance and submittal of the enclosed application to the MDEQ.

Respectfully submitted,



R.C.Hermann  
President, Tamarack Development Associates, LLC  
President, Tamarack Lodge Condominium Association  
President, Cooper Avenue Investments, Inc., General Partner  
Copperfield Investors, LP.



MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
LAND AND WATER MANAGEMENT DIVISION

MDEQ USE ONLY  
File No.

APPLICATION FOR CONVEYANCE

This information is required under Part 325, 1994 PA 451, or amended, to apply for a conveyance.

This application will not be processed until all necessary information is provided. See enclosed instructions for assistance.

PLEASE PRINT OR TYPE

APPLICANT'S NAME <b>TAMARACK DEVELOPMENT ASSOC. ET AL (SEE BELOW)*</b>		LOCATION OF PROPERTY TO BE CONVEYED - ADDRESS (Street, Road, Or Other Descriptive Location And In/Near City Or Town) <b>TAMARACK LODGE 2035 US 31 N. TRAVERSE CITY, MICHIGAN 49686</b>	
NUMBER AND STREET ADDRESS <b>2035 US 31 N.</b>			
CITY, STATE, ZIP CODE <b>TRAVERSE CITY, MI 49686</b>			
TELEPHONE NO. <b>231-256-9220</b>			
COUNTY <b>GRAND TRAVERSE</b>	TOWNSHIP/CITY/VILLAGE (Circle one) <b>EAST BAY</b>	TOWN <b>27 N</b>	RANGE <b>10 W</b> SECTION <b>9</b>
FAX NO. <b>231-256-0693</b>	EMAIL ADDRESS <b>RCHERMANN@CHARTERMI.NET</b>		
NAME OF WATERBODY <b>GRAND TRAVERSE EAST BAY</b>		LOT NUMBER(S) <b>40, 41, 42, 43</b>	NAME OF SUBDIVISION <b>BAKERS ACRES</b>
CHECK THE APPROPRIATE PURPOSE INDICATED UNDER THE FOLLOWING SECTION OF PART 325, 1994 PA 451, AS AMENDED.		CHECK PROPOSED USE:	
<input type="checkbox"/> ARTIFICIALLY FILLED <input type="checkbox"/> MUNICIPALITY (INDICATE PURPOSE) <input type="checkbox"/> FLOOD CONTROL <input type="checkbox"/> SHORE EROSION CONTROL <input type="checkbox"/> DRAINAGE CONTROL <input type="checkbox"/> SANITATION CONTROL		<input type="checkbox"/> PRIVATE <input type="checkbox"/> PUBLIC <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> OTHER (EXPLAIN)	
<input type="checkbox"/> STRAIGHTEN IRREGULAR SHORELINE <input type="checkbox"/> INDUSTRIAL DOCKAGE <input checked="" type="checkbox"/> COMMERCIAL DOCKAGE & MOORINGS <input type="checkbox"/> MARINA <input type="checkbox"/> ACCRETIONS <input type="checkbox"/> BOUNDARY DETERMINATION			
RIPARIAN AND/OR RECORD OWNERSHIP NAMES AND ADDRESSES OF ALL PERSONS IN POSSESSION, OCCUPANCY OF HAVING ANY ENFORCEABLE INTEREST IN THE BOTTOMLAND APPLIED FOR AND/OR INTEREST IN THE RIPARIAN OR ABUTTING UPLANDS. (LIST ALL OWNERS, INCLUDING THE APPLICANT, MORTGAGEES, CONTRACT VENDEES, LESSEES, ETC. THE WRITTEN CONSENT OF THESE PERSONS SHALL BE INDICATED IN THE SPACE PROVIDED IN SECTION 13.)			
NAME		ADDRESS	
		TYPE OF OWNERSHIP OR INTEREST HELD	
<b>TAMARACK DEVELOPMENT ASSOCIATES, LLC</b>		<b>2035 US 31 N. TRAVERSE CITY, FEE INTEREST IN UPLAND</b>	
<b>COPPERFIELD INVESTORS, L.P.</b>		<b>2035 US 31 N, TRAVERSE CITY, MI 49686, FEE INTEREST IN UPLAND</b>	
<b>TAMARACK LODGE CONDOMINIUM ASSOCIATION</b>		<b>2035 US 31 N, TRAVERSE CITY CONDO ASSN</b>	
<b>NATIONAL CITY BANK</b>		<b>901 S. GARFIELD, TRAVERSE CITY, MI MORTGAGEE</b>	
WE, THE UNDERSIGNED, CO-OWNERS, OCCUPANTS, MORTGAGEES, CONTRACT VENDEES, LESSEES, ETC., HEREBY AGREE, RATIFY AND GIVE OUR CONSENT TO THE FILING OF THIS APPLICATION.			
OTHER TYPES OF INTEREST		SIGNATURES	
<b>TAMARACK DEVELOPMENT ASSOCIATES LLC</b>		<b>RC Aermann</b>	
<b>COPPERFIELD INVESTORS, L.P.</b>		<b>RC Aermann</b>	
<b>TAMARACK LODGE CONDOMINIUM ASSOCIATION</b>		<b>RC Aermann</b>	
<b>NATIONAL CITY BANK</b>		<b>X Sam Daelle</b>	
		<b>SAM DAELLE'S S.V.P.</b>	

EQP 2713 (Rev. 9/2004)

X APPLICANTS: TAMARACK DEVELOPMENT ASSOCIATES LLC  
TAMARACK LODGE CONDOMINIUM ASSOCIATION  
COPPERFIELD INVESTORS, L.P.

FOR MDEQ CASHIER'S OFFICE ONLY

ADJACENT RIPARIAN OWNERS:

NAMES AND ADDRESSES OF THOSE PERSONS HAVING OWNERSHIP, POSSESSION, OR OTHER PROPERTY INTERESTS IN THE PROPERTY SITUATED ON BOTH SIDES OF THAT OWNED BY THE APPLICANT. (LIST THE OWNERS, MORTGAGEES, CONTRACT VENDEES OR OTHERS HAVING ANY INTEREST THEREIN.)

NAME	ADDRESS
BEACH CONDOMINIUMS	1995 US 31 N. TRAVERSE CITY, MI 49686
GEORGETTE SHUPE	#2 LAKE POINTE CT, BLOOMINGTON, IL 61704

NAME, ADDRESS AND TELEPHONE NUMBER OF APPLICANT'S AUTHORIZED AGENTS FOR CONVEYANCE APPLICATION CONSIDERATION.

RICHARD C. HERMANN, 2035 US 31 N. TRAVERSE CITY, MI 49686 231-256-9220

ENCLOSED IS A MAP AND SURVEYED LAND DESCRIPTION REQUIRED UNDER THE PROVISIONS OF SECTION 32504 OF THE ACT AND SECTIONS 6 AND 9 OF THE RULES AND REGULATIONS CERTIFIED TO BY REGISTERED SURVEYOR:

NAME OF SURVEYOR MICHAEL K. GEISERT

SURVEYOR'S ADDRESS 1212 - VETERAN'S DRIVE, TRAVERSE CITY, MI 49684

THE FOLLOWING WRITTEN APPROVAL IS ENCLOSED HEREWITH AS REQUIRED UNDER SECTION 32504 OF THE ACT:

LEGISLATIVE BODY OF LOCAL UNIT OF GOVERNMENT: BOARD OF TRUSTEES

NAME OF CITY OR VILLAGE COUNCIL OR TOWNSHIP BOARD: EAST BAY TOWNSHIP

DATE OF RESOLUTION GIVING APPROVAL: \_\_\_\_\_

PROOF OF OWNERSHIP FOR THE UPLAND (WARRANTY DEED AND 20-YEAR TAX HISTORY TO ACCOMPANY EITHER TITLE INSURANCE POLICY OR LEGAL TITLE OPINION WRITTEN BY A REGISTERED ATTORNEY) ARE SUBMITTED HEREWITH TO ESTABLISH ELIGIBILITY FOR CONVEYANCE OF ADJOINING LAKE BOTTOMLAND.

IS THERE, AT PRESENT, ANY LITIGATION IN PROCESS INVOLVING THIS PROPERTY?

YES  NO IF YES, EXPLAIN.

HAS A STATE AND/OR FEDERAL PERMIT BEEN GRANTED?

YES  NO PERMIT NO.

Application is hereby made for a conveyance as described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, accurate, and is in compliance with Part 325, Great Lakes Submerged Lands. I further certify that I possess the authority to undertake the activities proposed in this application.

7-3-08  
DATE

R. Hermann, President  
SIGNATURE OF APPLICANT AND TITLE

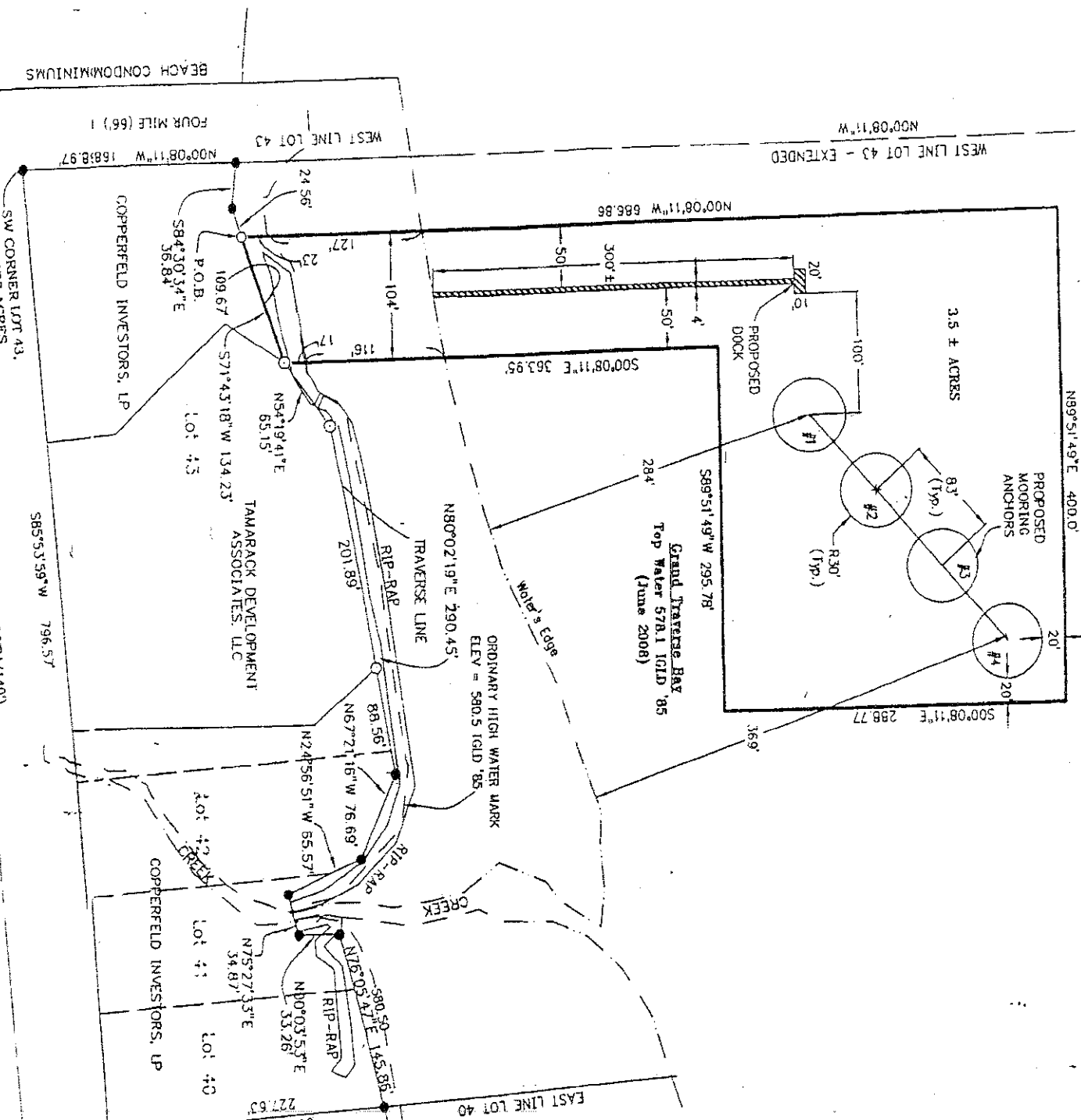
THE APPLICATION IS TO BE SIGNED BY THE PERSON DESIRING THE CONVEYANCE OR MAY BE SIGNED BY A DULY AUTHORIZED AGENT IF ACCOMPANIED BY A STATEMENT SIGNED BY THE APPLICANT DESIGNATING THE AGENT.

A STATE APPLICATION FILING FEE OF \$50.00 IS REQUIRED WITH THE APPLICATION. MAKE CHECKS PAYABLE TO: "STATE OF MICHIGAN." PAYMENT OF FEE DOES NOT GUARANTEE CONVEYANCE. SURVEY DRAWINGS MUST ACCOMPANY APPLICATION. APPLICATIONS NOT FULLY COMPLETED WILL BE RETURNED.

RETURN ADDRESS: GREAT LAKES SHORELANDS SECTION  
LAND AND WATER MANAGEMENT DIVISION  
MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
PO BOX 30458  
LANSING MI 48909-7958

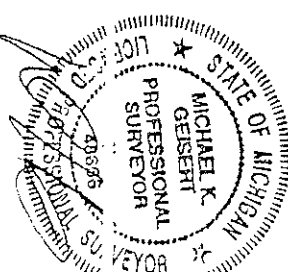
**LEGAL DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE BOTTOMLANDS OF GRAND TRAVERSE BAY, SECTION 9, TOWN 27 NORTH, RANGE 10 WEST, EAST BAY TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN, MORE FULLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE SOUTHWEST CORNER OF LOT 43 OF THE PLAT OF BAKERS ACRES AS RECORDED IN LIBER 5, PAGE 47 OF GRAND TRAVERSE COUNTY RECORDS; THENCE NORTH 00° 08' 11" WEST ALONG THE WEST LINE OF SAID LOT 43 AND THE EASTERLY RIGHT OF WAY OF FOUR MILE ROAD 168.97 FEET TO A TRAVERSE LINE ALONG THE SHORE OF GRAND TRAVERSE BAY; THENCE ALONG SAID TRAVERSE LINE SOUTH 84° 30' 34" EAST, 36.84 FEET; THENCE NORTH 71° 43' 18" EAST, 24.56 FEET TO THE POINT OF BEGINNING OF THIS BOTTOMLAND DESCRIPTION; THENCE LEAVING SAID TRAVERSE LINE NORTH 00° 08' 11" WEST, 686.86 FEET; THENCE NORTH 89° 51' 49" EAST, 400.00 FEET; THENCE SOUTH 00° 08' 11" EAST, 288.77 FEET; THENCE SOUTH 89° 51' 49" WEST, 295.78 FEET; THENCE SOUTH 00° 08' 11" EAST, 363.95 FEET TO SAID TRAVERSE LINE; THENCE SOUTH 71° 43' 18" WEST ALONG SAID TRAVERSE LINE, 109.67 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PORTION WHICH LIES SOUTH OF THE ORDINARY HIGH WATER MARK.



**Legend**

- Iron Found
- Iron Set
- Concrete Monument
- Government Corner
- Nail Found
- ⊗ Nail Set
- (R) Record
- (M) Measured



GEORGETTE SHUPE