

APPENDIX D

Memorandum of Understanding

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**MEMO OF UNDERSTANDING REGARDING THE POTENTIAL DEVELOPMENT OF
THE WETZEL RECREATION AREA BETWEEN LENOX TOWNSHIP AND THE
MICHIGAN DEPARTMENT OF NATURAL RESOURCES**

THIS MEMORANDUM OF UNDERSTANDING, signed this 3 day of MARCH, 2005, between Lenox Township, hereinafter referred to as the "TOWNSHIP," and the Michigan Department of Natural Resources, hereinafter referred to as "DNR,"

The purpose of this Memo of Understanding between Lenox Township and the State of Michigan Department of Natural Resources, Parks and Recreation Division, is to serve as a working platform for further discussions and planning regarding the Wetzel Recreation Area that is located in Lenox Township. This Memo of Understanding arises out of a meeting between representatives of the Department of Natural Resources and Lenox Township that took place on October 21, 2004. By signing this Memo of Understanding, the Department of Natural Resources understands that Lenox Township is not necessarily bound to develop the Wetzel Recreation Area at its expense, and Lenox Township agrees that the Department of Natural Resources is not bound to develop Wetzel Recreation Area at this time at all. Rather, this Memo of Understanding simply confirms the discussions of the parties to date and serves as a working agreement to continue with those discussions and to provide a process for future discussions regarding the development of the Wetzel Recreation Area.

The Wetzel Recreation Area, formerly known as the Wetzel State Park, is not developed at this time, and the Department of Natural Resources, based upon budgetary restraints and development priorities, has no current plans to develop the Wetzel Recreation Area in the near future.

Lenox Township, who has no legal obligation whatsoever to develop the Wetzel Recreation Area, has the finances to develop the Wetzel Recreation Area at its expense and has expressed a willingness to do so. Lenox Township believes that the development of the Wetzel Recreation Area would benefit Lenox Township residents, would improve the public image of Lenox Township, would draw users to Lenox Township, and would be consistent with the Department of Natural Resources' policy of attempting to provide additional public Recreation opportunities in the vicinity of Metropolitan Detroit.

Although both parties recognize that the mitigation of wetlands is in the State of Michigan's best interests, both parties would prefer that the Wetzel Recreation Area not be used as a bank for mitigated wetlands from other areas, as a bank for mitigated wetlands would not provide potential Wetzel Recreation Area users with the types and range of recreational uses that the parties are contemplating in this Memo of Understanding. The Department of Natural Resources has indicated that no further areas of the Wetzel Recreation Area are committed to mitigated wetlands at this time and that the Department of Natural Resources, Parks and Recreation Division, will do what it can to insure that no further areas of the Wetzel Recreation Area are committed to the development of mitigated wetlands from other areas, during the time that further discussions and planning takes place.

Although Lenox Township has expressed an interest in developing the Wetzel Recreation Area consistent with the Department of Natural Resources Master Plan for that area, both parties agree to be completely flexible in terms of how, or if, the Wetzel Recreation Area is developed. This flexibility

includes, but is not limited to, issues such as whether the Wetzel Recreation Area is developed as a day park as opposed to affording overnight camping; whether the area is developed in phases or not; how much of the area is developed and/or preserved for hunting; the types and features of recreational use; and the issues of who administers and incurs the expenses of administration of the Wetzel Recreation Area once developed.

The Department of Natural Resources recognizes that this is an unusual opportunity to have the Wetzel Recreation Area developed with no, or little, expense to the State of Michigan. The Department of Natural Resources commends Lenox Township for this unusual opportunity and promises to endeavor to take advantage of this unusual opportunity and do what it can consistent with existing policies and regulations to bring the development of the Wetzel Recreation Area to fruition in accordance with this agreement.

To take advantage of this unusual opportunity, the Department of Natural Resources has agreed to go forward with the discussions and processes set forth in this agreement on the fastest track that is possible. The Department of Natural Resources recognizes that Lenox Township has stated that the typical Department of Natural Resources planning time of one or two years is unacceptable and that Lenox Township will not extend this generous offer to the Department of Natural Resources unless the planning processes are completed as quickly as possible. Accordingly, the parties have agreed to consider having the planning done by private consultants at Lenox Township's expense in accordance with Department of Natural Resources' planning guidelines and planning policies. However, subject to further discussions, Lenox Township is not bound to pay for private consulting unless and until Lenox Township subsequently agrees to do so.

The secondary purpose of this Memo of Understanding is to have each of the parties declare their informal partnership to each other regarding this possible development. If the parties can ultimately agree on plans for the Wetzel Recreation Area as well as the subsequent administration of it, it is the intention of the parties to enter into a formal, binding agreement at that time.

In this regard, both parties recognize that there is no precedent for the type of offer that Lenox Township has made to the Department of Natural Resources and, as a consequence, both of the parties agree to be open minded and flexible as further discussions take place.

No commitments of any nature have been made by either party during discussions to date or as a result of this Memo of Understanding. Neither party to this agreement is bound by any verbal representations made to date or by anything contained herein. Rather, the purpose of this tentative agreement is to simply serve as a framework for future discussions, at which time the parties may, or may not, enter into a formal, binding agreement.

RESPONSIBILITIES OF THE TOWNSHIP:

Although neither party shall be legally bound by this agreement, the TOWNSHIP pledges to be flexible, open minded, cooperative, and partnerlike towards the DNR with regard to any discussions and developments that follow as a result of the Memo of Understanding.

RESPONSIBILITIES OF THE DNR:

Although neither party shall be legally bound by this agreement, the DNR pledges to be flexible, open minded, cooperative, and partnerlike towards the TOWNSHIP with regard to any discussions and developments that follow as a result of the Memo of Understanding.

IN WITNESS WHEREOF, the parties hereto, through their duly authorized agents and representatives, set their hands the day and year first written above.

Signed in the presence of:

Jeanette M. Venturiglia
Carol A. Swartz

LENOX TOWNSHIP

John P. Gardner
John P. Gardner, Lenox Township Supervisor
Date: 3/3/05

Signed in the presence of:

Diane Munson
Victoria Dischalek

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

James A. Kelly
An authorized representative of the State of Michigan Department of Natural Resources, Parks and Recreation Division
Date: 4/29/05

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