

Feb 2008 – Friends of North Point Report was issued outlining three scenarios varying from limited disturbance/development to progressively more development which would include: Expand Parking area off of Ruggles, installation of pit/vault toilets at the Ruggles Road parking area, an observation deck at the top of the dune, and a pavilion with picnic tables and grill.

All three scenarios improve the North Point property for public use. The scenarios range from a mostly natural/conservation area to a more developed recreation area.

The Friends of North Point FIRST and most important recommendation is that North Point be protected forever and remains open to the public.

Apr 2008 – The Van Buren County Board of Commissioner decided to contract with the Southwest Michigan Land Conservancy to protect the North Point property with a Conservation Easement in accordance with the recommendation made in the Friends of North Point report. The cost would be \$10,000 and would be collected from private donations through the friends of North Point. A committee would be formed to draft the easement language for submittal to the Board of Commissioners.

Oct 2009 – The conservation easement was finalized and approved by the SWMLC with concurrence by the County attorney without benefit of committee review. Commissioner Freestone was directed by Commissioner Randall to set up a committee meeting but it was somehow decided that that was unnecessary. Instead, the document was forwarded directly to the full Board relegating committee member input to three minute public comment.

All three committee members representing the Friends of North Point, Lewandowski, Colclough and Foerster, independently pointed out that the easement was seriously flawed by language allowing, instead of a pavilion, a two story single family dwelling of 8,000 square feet thus setting the stage for unrestricted conveyance of the property for private development.

Nov 5, 2009 – I was advised by Peter Ter Louw, director of the SWMLC, that Emily Wilke and the SWMLC attorney had developed language removing provisions for the single family dwelling. The language had been forwarded to attorney Schuitmaker for review. Later that evening, attorney Schuitmaker confirmed to me that the building had redefined in terms suggested by Maureen Lewandowski at the public hearing, i.e., in terms of an educational facility. He had forwarded the language to Commissioners for their consideration.

Nov 6, 2009 – On occasion of seeing Commissioner Erdmann I asked if he had seen the new language. He said "Yes, but we are not making any changes."

Questions:

- 1) At what public meeting was it decided not to consider this change?
- 2) What was the rationale for the decision?
- 3) Since the easement was not crafted in the spirit of the Friends of North Point recommendation, will the \$10,000 be refunded to donors?

Dave Foerster
10-Nov-09

Attachment to Foerster BoC comments citing SWMLC proposed language
referenced in paragraph Nov 5,2009

From: ewilke@swmlc.org

To: 'Dave Foerster' <foerdog@aol.com>; molew@comcast.net

Subject: RE: North Point

Date: Mon, Nov 9, 2009 9:43 am

Hi Dave and Mo,

This is the language that we proposed to the commissioners in response to the Friends of North Point requests.

We are proposing that 4.B.1) could read:

The Owner retains the right to maintain, renovate, expand, and replace the existing structures which are not to exceed 2 stories in height. The use of the structures shall be limited to recreational, educational, social, and storage purposes consistent with an outdoor camp or recreational facility, but the structures shall not be used for permanent residential purposes.

I am sure it will come up at the meeting on the 10th,

Emily

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From: Dave Foerster [<mailto:foerdog@aol.com>]

Sent: Thursday, November 05, 2009 2:29 PM

To: EWilke@swmlc.org

Subject: North Point

Hi Emily,

Pete said that you managed to develop some less onerous language relative to the building use and that you had sent it to Harold. Will you please send me the words?

Dave