

ISABELLA COUNTY
APPLICATION FOR PRIVATE ROAD SITE PLAN REVIEW

Applicant

Name: Lon Marshall III

Owner Agent/Other interest (circle one)

Address: 9654 East Jordan Road - Mt Pleasant, MI 48858

Phone: 734-735-9004

Fax: N/A

Property Owner (if different from applicant)

Name: Same

Address: _____

Phone: _____

Fax: _____

Private Road Information & Location

Township: Denver (T15N)

Section: 27

Zoning District: Residential

Tax ID Number: 06-027-40-002-01

Number of lots to be served by private road: 3

Attachments

The following items are required as part of your application

- ✓ 1. Site Plan, meeting the requirements of Article 11 of the Isabella County Zoning Ordinance
- ✓ 2. A detailed written description of the development to be served by the private road.
- N/A 3. Private roads serving more than three (3) lots shall include construction specifications with cross sections that show, at a minimum, precise location, grade, route, elevation, dimensions, and design of the private road.
- N/A 4. Proposed future extensions of the private road within the development and to adjacent lands.
- ✓ 5. Location and distance to any public roads which the private road is to intersect.
- ✓ 6. A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private road.
- N/A 7. The location of all public and private utilities located within or twenty (20) feet from the edge of the proposed right-of-way.

Signature: _____

Date: 4/20/21

Optional: I hereby grant permission for members of the Isabella County Planning Commission and Zoning Administrator to enter the above described property for the purposes of gathering information related to this application.

Signature: _____

Date: 4/20/21

NOTE: All information received by this department is subject to the Freedom of Information Act. Under this Act, persons are allowed to request copies of said information. This includes, but not limited to, all copyrighted drawings/blueprints.

****OFFICE USE ONLY****

File #: _____ Fee: \$125.00

Check #: _____ Receipt #: _____

Date Received: _____

Received by: _____

PRIVATE ROAD MAINTENANCE AGREEMENT

An Agreement made this original date of 3/17, 2021, applicable to the undersigned parcel owners and users,

RECITALS

WHEREAS, _____ Road (Road) is a private road situated in
Denver City/Township/Village, County of Isabella, State of
Michigan, and

WHEREAS, the parties desire to enter into an Agreement regarding the costs of maintenance and improvements to the Road; and

WHEREAS, it is agreed that future parcel owners or users will be bound by this agreement;

NOW THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. Vehicle and Pedestrian Access Easement. The owners of any and all of the property using the easement shall refrain from prohibiting, restricting, limiting or any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, and others bound to or returning from any of the properties having a right to use the road. This is to include ingress and egress of emergency and other public vehicles for any necessary public services.

2. Utility Easement. The Road shall be subject to a perpetual, nonexclusive public utility easement for the purpose of permitting above and below ground public utilities to be installed and maintained.

3. Road Manager. A Road Manager shall be elected by a majority of the property owners, will serve a term as agreed to by the property owners, and can be replaced or renewed at any time by a simple majority vote of the parcel owners. The Road Manager shall be responsible for monitoring the condition of the road surface and initiating maintenance activities as needed to maintain the minimum road surface standards.

4. Road Maintenance. Road maintenance and road improvements will be undertaken and made whenever necessary to maintain the road in good operating condition at all times and to insure the provision of safe access by emergency vehicles. A majority vote of all parcel owners is required for any road improvements and to accept the bid for any road improvement contract. Before authorizing expenditures for future road improvements, parcel owners will be notified by the Road Manager, cost estimates will be provided, and an agreement will be required. If any parcel owner performs improvements, maintenance, repairs or replacements without the approval of the other lot owners prior to performing such work, the lot owner performing such work shall become liable for the entire cost thereof, unless such work is deemed an emergency.

If repairs and maintenance are not made, the County Board may bring the road up to the design standards specified in the Isabella County Zoning Ordinance and assess owners of parcels on the private road for the improvements, plus an administrative fee.

5. Parking. For the safety of the residents, no machinery, trailers, vehicles or other property may be stored or parked upon the Private Road except parking of vehicles for limited periods of time (not to exceed twelve hours).

6. Cost Sharing. Road creation, maintenance, snowplowing and road improvement costs shall be shared on a pro-rata basis between the parcel owners sharing access to the above-mentioned road. Each parcel owner's share of costs incurred shall be determined as follows: Pro-rated cost share will be based upon the percentage of roadway extending from the start of the Private Road to the intersection of each driveway where a residence exists, or to the midpoint of a property frontage that is adjacent to the roadway when a residence does not exist.

7. Prepayment. Prepayment of maintenance, snowplowing and improvement costs will be made to the road maintenance account by each property owner. Annually, on or before a date as specified by the Road Manager, each parcel owner will contribute their pro-rated share of the estimated annual cost for road maintenance, road improvements, and annual snow removal. The Road Manager shall send each parcel owner a two week notice of the annual payments due.

8. Definition of a Parcel/Parcel Owner. A parcel is defined as a land having a parcel identification number and having frontage on the road. Each parcel is assessed and granted (1) vote regardless of the number of owners. If a parcel is owned by more than one person, all of the owners of the parcel will collectively be referred to as the "parcel owner" for purposes of this Agreement, and will be entitled to one collective vote (i.e. each parcel represents one vote in the matters covered by this Agreement). When a parcel is being sold on a land contract, the land contract vendee shall be deemed the owner of record.

9. Future Parcels. Any additional parcels gaining access to the Private Road by way of splitting existing parcels will be bound by all terms and conditions of this agreement, and will be required to pay that portion of the maintenance, snowplowing and improvement costs incurred after the split as determined using the formula contained in Paragraph No. 6 above.

All current and future parcels owners must permit planned future road tie-ins or extensions with appropriate cross-access agreements.

10. Snow Plowing. The Private Road shall be snowplowed to permit year-round access. The cost shall be shared by the parcel owners as indicated in Paragraph No. 6 above.

11. Checking Account. The Road Manager shall establish and/or maintain a bank checking account with a local bank, and will prepare and distribute to the herein affected parcel owners an annual income and expense report and a yearend balance sheet, accounting for all funds received and disbursed.

12. Effective Term. This Agreement shall be perpetual and shall encumber and run with the land as long as the road remains private.

13. Binding Agreement. This Agreement shall be binding upon the parties hereto, their respective heirs, executors, administrators, and assigns.

14. Amendment. This Agreement may be amended only by a two-thirds majority consent of all parcel owners.

15. Enforcement. This Agreement may be enforced by a majority of parcel owners. If a court action or lawsuit is necessary to enforce this Agreement, the party commencing such action or lawsuit shall be entitled to reasonable attorney fees and costs, if the party prevails.

16. Disputes. If a dispute arises over any aspect of the improvements, maintenance, repair or replacement, a third-party arbitrator shall be appointed to resolve the dispute. The decision of the arbitrator shall be final and

binding on all of the lot owners. Contact information for local arbitrators can be obtained through the American Arbitration Association. In selecting a third-party arbitrator, each lot shall be entitled to one vote, and the nominee receiving a majority of the votes shall be the arbitrator. All parties shall share in the cost of any arbitration.

17. Notices. Parcel owners under the Agreement shall be notified by mail or in person. If an address of a parcel owner is not known, a certified notice will be mailed to the address to which the parcel owner's property tax bills are sent.

18. Invalidity. Should any provision in this Agreement be deemed invalid or unenforceable, the remainder of the Agreement shall not be affected, and each term and condition shall be valid and enforceable to the extent permitted by law.

19. Other Agreements. This Private Road Maintenance Agreement replaces all previous Private Road Maintenance Agreements regarding the described Private Road.

20. Recording This Document. Original and amended copies of this document, shall be recorded and provided to the County Clerk by the Road Manager.


22. Town Road and Driveway Ordinance. The Private Road shall be constructed and maintained in accordance with the Isabella County Zoning Ordinance Section 3.22.

23. Public Funds. No public funds of the County or Township are to be used to build, repair, or maintain this private road.

★

No private road shall be incorporated into the public road system unless it is constructed to the specifications of the Isabella County Road Commission for all subbase, base and surface requirements. The property owners served by this private road shall be responsible for bringing the road up to those standards, if necessary.

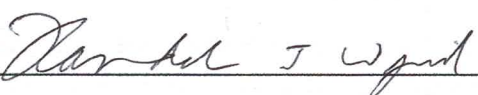
Signed,



To be recorded upon
Naming of road.

The foregoing instrument was acknowledged / Subscribed and sworn to

03-17-21 by Lon MARSHALL III

/s/ 

Notary public, State of Michigan, County of ISABELLA.

Acting in the County of ISABELLA] My commission expires 9-28-26.

No public utilities onsite, or within 1/2 mile.

734-735-9004

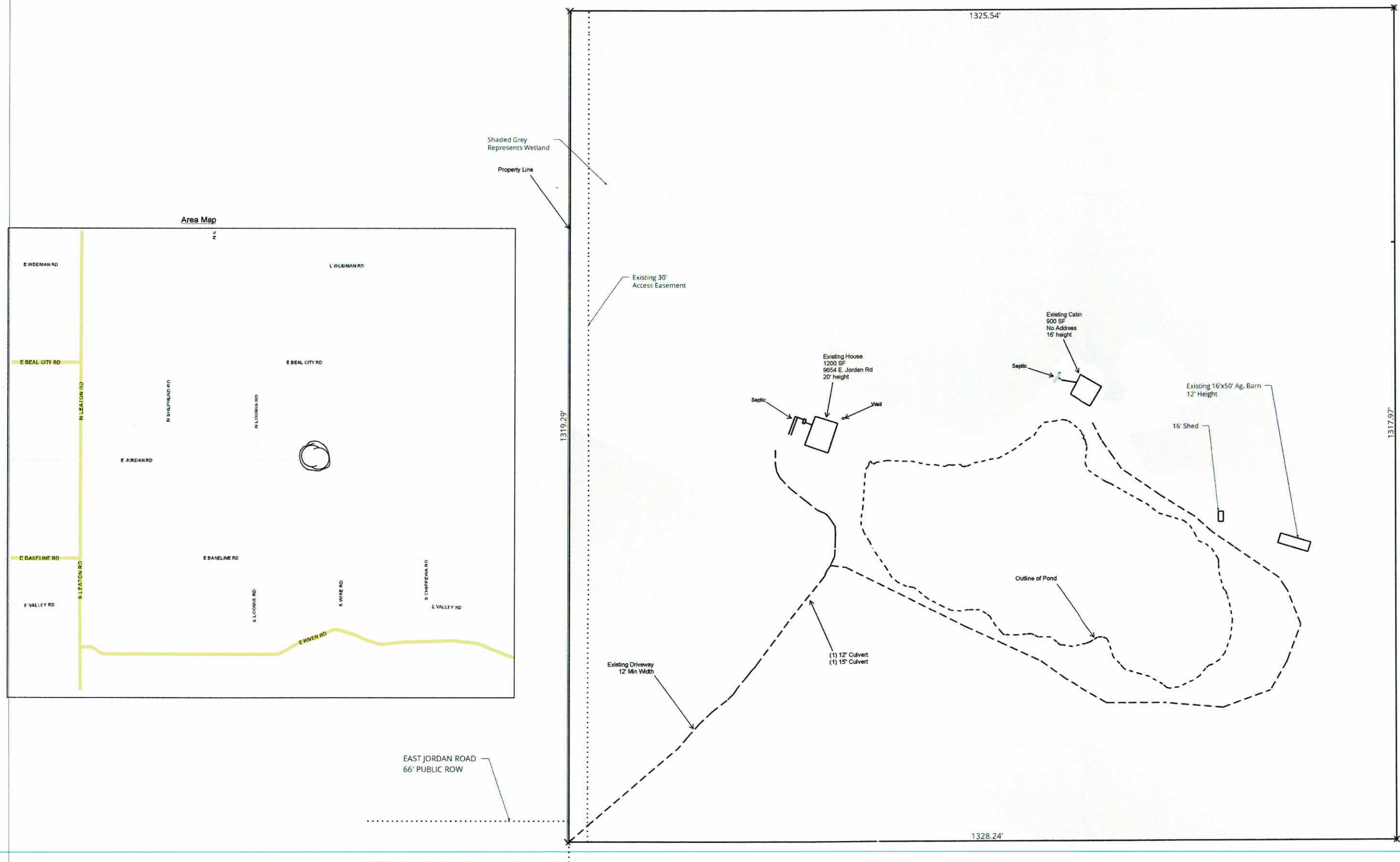
9654 East Jordan Road
Mt Pleasant, MI 48858

04/06/21



Scale: 1"=150'

SI-1.1



Existing Conditions

Prepared by
Lon Marshall III
(Property Owner)

Lon Marshall III
9654 E. Jordan Rd.
Mt Pleasant, MI
48858

734-735-9004

PROJECT INFORMATION

9654 East Jordan Road
Mt Pleasant, MI 48858

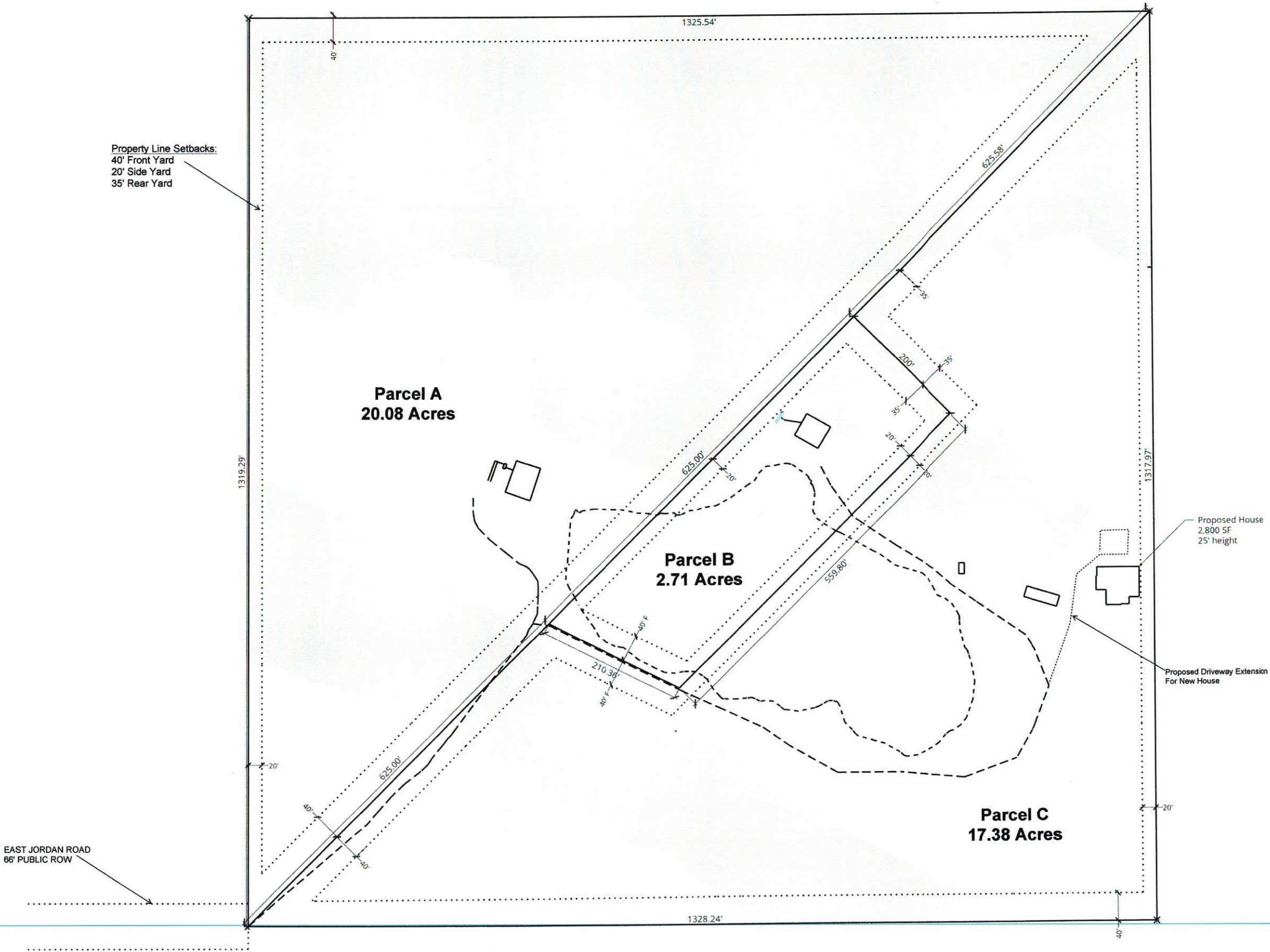
04/06/21



Scale: 1"=150'

SHEET NUMBER

SI-1.2



Parcel Splits and Setbacks

Legal Description of both the Private Road and the Driveway Easements are provided on the attached survey.

The existing 12' wide driveway falls within the Private Road Easement, and will serve as the road base. An additional 4" of MDOT 23A aggregate will be installed to fully comply with the zoning ordinance requirements for private roads serving three parcels or less.

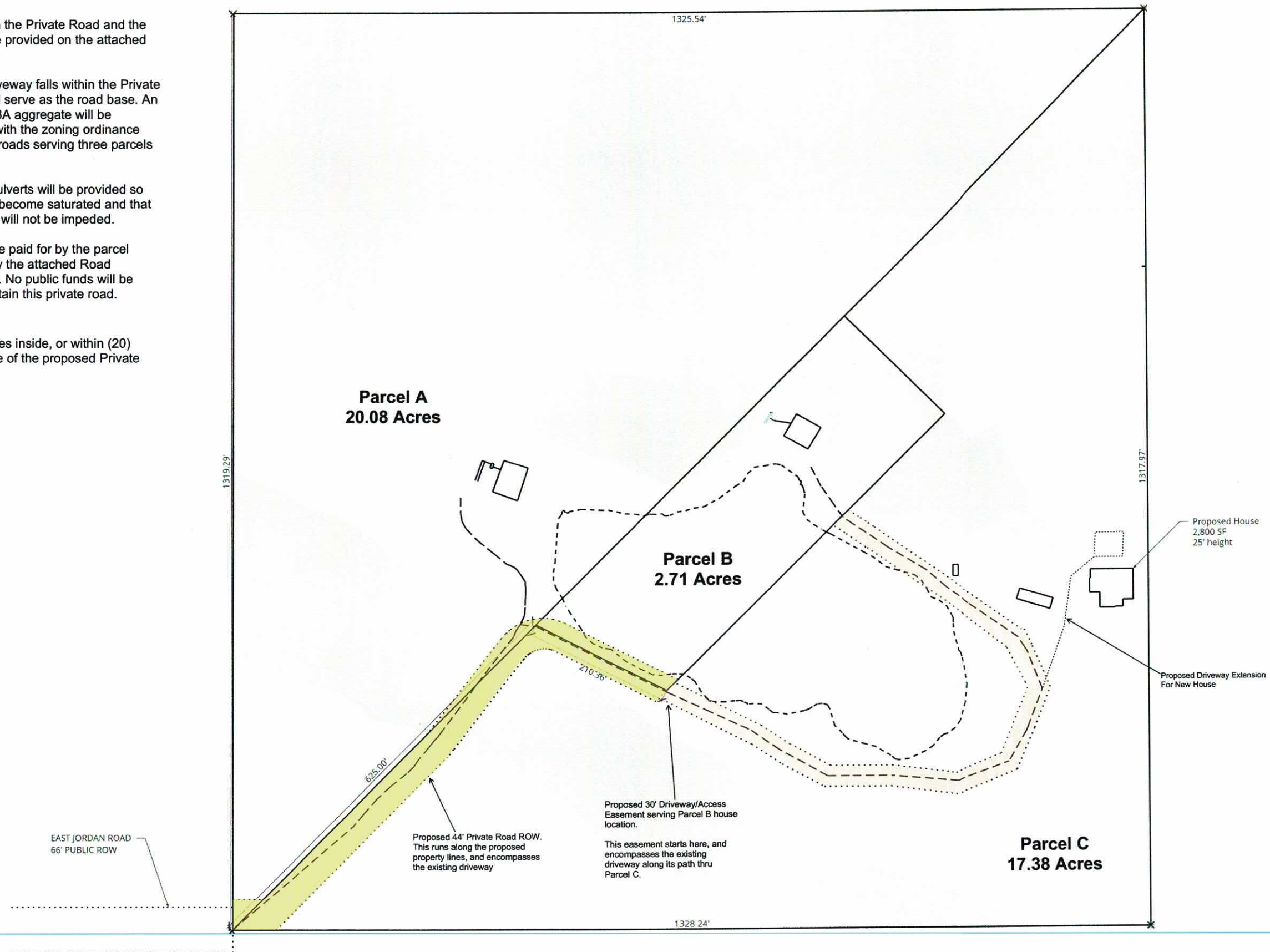
Adequate ditching and culverts will be provided so that the roadbed will not become saturated and that any natural flow of water will not be impeded.

Road maintenance will be paid for by the parcel owners, and governed by the attached Road Maintenance Agreement. No public funds will be utilized to create or maintain this private road.

There are no public utilities inside, or within (20) twenty feet from the edge of the proposed Private Road Easement.

Private Road Frontages

Parcel A: 625'
Parcel B: 210'
Parcel C: 835'



Prepared by
Lon Marshall III
(Property Owner)

Lon Marshall III
9654 E. Jordan Rd.
Mt Pleasant, MI
48858

734-735-9004

PROJECT INFORMATION

9654 East Jordan Road
Mt Pleasant, MI 48858

04/06/21



Scale: 1"=150'

SHEET NUMBER

SI-1.3

Private Road and Driveway Easements

CERTIFICATE OF SURVEY

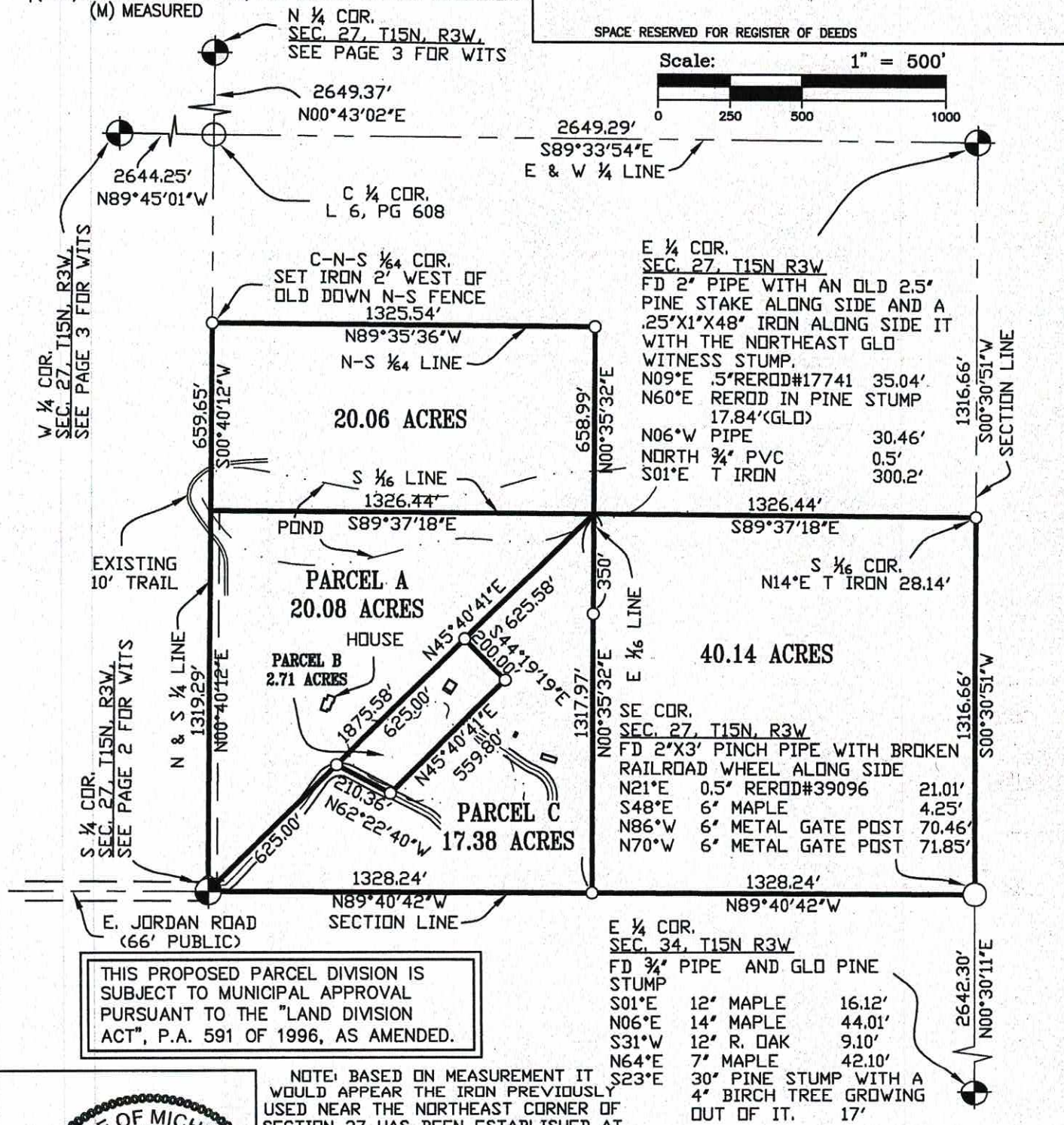
Legend

- IRON SET
- IRON FOUND
- ⊙ MONUMENT FOUND
- △ NAIL SET
- ▲ NAIL FOUND
- ⊕ GOVERNMENT 1/4 CORNER
- ⊙ SECTION CORNER
- ⊕ CENTER 1/4 CORNER
- (GLO) GENERAL LAND OFFICE, NOW BUREAU OF LAND MANAGEMENT
- (M) MEASURED

ALTERATION OF ANY PART OF THIS DOCUMENT WITHOUT THE PERMISSION OF BOB MITCHELL & ASSOCIATES IS PROHIBITED.

SPACE RESERVED FOR REGISTER OF DEEDS

Scale: 1" = 500'



THIS PROPOSED PARCEL DIVISION IS SUBJECT TO MUNICIPAL APPROVAL PURSUANT TO THE "LAND DIVISION ACT", P.A. 591 OF 1996, AS AMENDED.

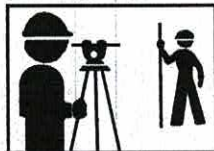
NOTE: BASED ON MEASUREMENT IT WOULD APPEAR THE IRON PREVIOUSLY USED NEAR THE NORTHEAST CORNER OF SECTION 27 HAS BEEN ESTABLISHED AT A ROAD RIGHT-OF-WAY FENCE.



William P. Mitchell #4001057370 being a Licensed Professional Surveyor, hereby certify to the client listed herein that I have surveyed and mapped the parcel(s) heron described and that the relative positional precision of each corner is within the limits accepted by the practice of professional surveying and that all the requirements of P.A. 132 of 1970, as amended, have been complied with.

William P. Mitchell
William P. Mitchell
Professional Surveyor No. 4001057370
ABSOLUTE ACCURACY IS BETTER THAN 0.20'
BASIS OF BEARING: NAD 83 MI SOUTH SPCS

Bob Mitchell &
Associates
P.C.



SURVEYING / ENGINEERING

404 West Main Street P.O. Box 306
Kingsley, MI 49649
(231) 263-5463 FAX (231) 263-7921
Toll Free in Michigan 1-800-533-6627
email wm@mapcivilsurvey.com
NORTH 1ST STREET
Harrison, MI 48625

CLIENT: LON MARSHALL III		
LOCATION: PART OF THE SOUTHEAST ONE-QUARTER, SECTION 27, TOWN 15 NORTH, RANGE 03 WEST, DENVER TOWNSHIP, ISABELLA COUNTY, MICHIGAN.		
DWN. WPM	DATE 3-16-21	FILE NO. 202100049
CK. JEM	FLD. BK. X	PG. X
		SHEET 1 OF 6

CERTIFICATE OF SURVEY

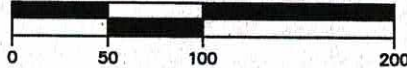
Legend

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Scale: 1" = 100'



S 1/4 COR.
SEC. 27, T15N, R3W.

SET 1/2"x18" REROD WITH CAP #57370 IN A FOUND VERTICAL STAKE SHADOW, IN LINE WITH THE EXTENSION OF ANCIENT DOWN FENCES TO THE NORTH AND EAST AND IN LINE WITH THE CENTERLINE OF THE EXTENSION OF THE ROAD TO THE WEST, AND AT RECORD BEARING AND DISTANCE FROM THE REMAINS OF A LARGE WHITE PINE STUMP S60°E 4 FEET(GLO), AS A PERPETUATION OF THE GLO POSITION.

N59°E 1/2" WITNESS REROD 44.27'
N77°E 1/2" WITNESS REROD 80.57'
S46°E 3/4" PIPE 43.64'(L. 6, PG 248)
NORTH REROD 33.00'

LINE TABLE

LINE	LENGTH	BEARING
L1	57.54	S89°40'42"E
L2	110.53	N36°15'42"E
L3	157.29	S62°22'40"E
L4	142.74	S62°22'40"E
L5	24.11	N21°18'49"E
L6	221.76	N54°54'52"W
L7	40.51	N37°18'18"W

C/L 44' EASEMENT

PARCEL A
20.08 ACRES

PARCEL C
17.38 ACRES

END 44' EASEMENT
BEGIN 30' EASEMENT

CURVE TABLE

CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	65.42	313.72	N46°23'07"E	65.30
C2	110.22	600.00	N45°40'27"E	110.07
C3	217.71	850.00	N43°35'57"E	217.12
C4	106.50	75.00	N76°56'31"E	97.78
C5	45.33	118.65	S51°25'59"E	45.06
C6	91.55	161.65	S56°42'49"E	90.33
C7	92.95	131.40	N86°47'41"E	91.03
C8	42.40	50.00	S89°10'41"E	41.14
C9	211.92	129.45	N68°12'51"E	189.04
C10	152.20	97.13	N23°34'37"W	137.10
C11	35.48	150.00	N61°41'28"W	35.40

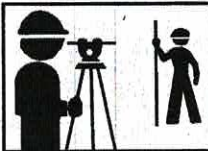


I, William P. Mitchell #4001057370 being a Licensed Professional Surveyor, hereby certify to the client listed herein that I have surveyed and mapped the parcel(s) heron described and that the relative positional precision of each corner is within the limits accepted by the practice of professional surveying and that all the requirements of P.A. 132 of 1970, as amended, have been complied with.

William P. Mitchell
William P. Mitchell
Professional Surveyor No. 4001057370

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BASIS OF BEARING: NAD 83 MI SOUTH SPCS

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CLIENT:

LON MARSHALL III

LOCATION:

PART OF THE SOUTHEAST ONE-QUARTER,
SECTION 27, TOWN 15 NORTH, RANGE 03 WEST,
DENVER TOWNSHIP, ISABELLA COUNTY,
MICHIGAN.

DWN. WPM

DATE 3-16-21

FILE NO. 202100049

CK. JEM

FLD. BK. X

PG. X

SHEET 2 OF 6

(

- IRON SET
- IRON FOUND
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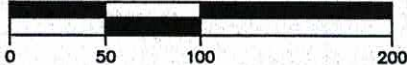
ALTERATION OF ANY PART OF
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& ASSOCIATES IS PROHIBITED.

W ¼ COR.
SEC. 27, T15N, R3W,
REROD IN BOX IN GRAVEL ROAD

S16°W	12' R. PINE	64.38'
EAST	6' R. PINE	68.07'
S13°E	4' R. PINE	191.51'
N22°W	P. POLE	193.60'

SPACE RESERVED FOR REGISTER OF DEEDS

Scale: 1" = 100'



SEE SHEET 2 FOR
LINE TABLE AND
CURVE TABLE

PARCEL B
2.71 ACRES

30'x32'
HOUSE

C/L 30' EASEMENT

16'X8'
SHED

16'X50'
OUT BUILDING


POND

EDGE OF WATER

END 44' EASEMENT
BEGIN 30' EASEMENT



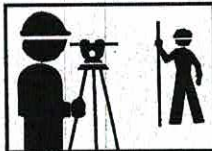
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MICHIGAN.

DWN. WPM	DATE 3-16-21	FILE NO. 202100049
CK. JEM	F.L.D. BK. X PG. X	SHEET 3 OF 6

DESCRIPTION

Parcel "A"

DESCRIPTION: A parcel of land situated in the Township of Denver, County of Isabella, State of Michigan and described as follows to-wit:

Part of the Southwest one-quarter of the Southeast one-quarer, Section 27, Town 15 North, Range 3 West, being described as: Beginning at the South one-quarter corner of said section; thence North 00° 40' 12" East, along the North and South one-quarter line, 1319.29 feet, to the South one-sixteenth line; thence South 89° 37' 18" East, along the South one-sixteenth line, 1326.44 feet, to the East one-sixteenth line; thence South 45° 40' 41" West, 1875.58 feet, to the Point of Beginning. Said parcel containing 20.08 acres of land more or less.

SUBJECT TO AND TOGETHER WITH A 44 FOOT WIDE EASEMENT for ingress egress and the installation and maintenance of public and private utilities the centerline of which is described as; Commencing at the South one-quarter corner of Section 27, Town 15 North, Range 3 West; thence North 00° 40' 12" East, along the North and South one-quarter line, 22.00 feet, to the Point of Beginning; thence South 89° 40' 42" East, 57.54 feet; thence Northeasterly 65.42 feet along the arc of a 313.72 foot radius curve to the left the chord of which is North 46° 23' 07" East, 65.30 feet; thence Northeasterly 110.22 feet along the arc of a 600 foot radius curve to the right the chord of which is North 45° 40' 27" East, 110.07 feet; thence Northeasterly 217.71 feet along the arc of a 850 foot radius curve to the right the chord of which is North 43° 35' 57" East, 217.12 feet; thence North 36° 15' 42" East, 110.53 feet; thence Northeasterly 106.50 feet along the arc of a 75 foot radius curve to the right the chord of which is North 76° 56' 31" East, 97.78 feet; thence South 62° 22' 40" East, 157.29 feet, to the Point of Ending of said easement.

SUBJECT TO all agreements, covenants, easements, right-of-ways, reservations and restrictions of record, if any.



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William P. Mitchell

William P. Mitchell
Professional Surveyor No. 4001057370

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DWN. WPM	DATE 3-16-21	FILE NO. 202100049
CK. JEM	FLD. BK. X PG. X	SHEET 4 OF 6

DESCRIPTION

Parcel "C"

DESCRIPTION: A parcel of land situated in the Township of Denver, County of Isabella, State of Michigan and described as follows to-wit:

Part of the Southwest one-quarter of the Southeast one-quarter, Section 27, Town 15 North, Range 3 West, being described as: Beginning at the South one-quarter corner of said section; thence North 45° 40' 41" East, 625.00 feet; thence South 62° 22' 40" East, 210.36 feet; thence North 45° 40' 41" East, 559.80 feet; thence North 44° 19' 19" West, 200.00 feet; thence North 45° 40' 41" East, 625.58 feet, to the East one-sixteenth line; thence South 00° 35' 32" West, 1317.97 feet, to the South Section line; thence North 89° 40' 42" West, along the South Section Line, 1328.24 feet, to the Point of Beginning. Said parcel containing 17.38 acres of land more or less.

SUBJECT TO AND TOGETHER WITH A 44 FOOT WIDE EASEMENT for ingress egress and the installation and maintenance of public and private utilities the centerline of which is described as; Commencing at the South one-quarter corner of Section 27, Town 15 North, Range 3 West; thence North 00° 40' 12" East, along the North and South one-quarter line, 22.00 feet, to the Point of Beginning; thence South 89° 40' 42" East, 57.54 feet; thence Northeasterly 65.42 feet along the arc of a 313.72 foot radius curve to the left the chord of which is North 46° 23' 07" East, 65.30 feet; thence Northeasterly 110.22 feet along the arc of a 600 foot radius curve to the right the chord of which is North 45° 40' 27" East, 110.07 feet; thence Northeasterly 217.71 feet along the arc of a 850 foot radius curve to the right the chord of which is North 43° 35' 57" East, 217.12 feet; thence North 36° 15' 42" East, 110.53 feet; thence Northeasterly 106.50 feet along the arc of a 75 foot radius curve to the right the chord of which is North 76° 56' 31" East, 97.78 feet; thence South 62° 22' 40" East, 157.29 feet, to the Point of Ending of said easement.

SUBJECT TO AND TOGETHER WITH A 30 FOOT WIDE EASEMENT for ingress egress and the installation and maintenance of public and private utilities the centerline of which is described as; Commencing at the South one-quarter corner of Section 27, Town 15 North, Range 3 West; thence North 00° 40' 12" East, along the North and South one-quarter line, 22.00 feet; thence South 89° 40' 42" East, 57.54 feet; thence Northeasterly 65.42 feet along the arc of a 313.72 foot radius curve to the left the chord of which is North 46° 23' 07" East, 65.30 feet; thence Northeasterly 110.22 feet along the arc of a 600 foot radius curve to the right the chord of which is North 45° 40' 27" East, 110.07 feet; thence Northeasterly 217.71 feet along the arc of a 850 foot radius curve to the right the chord of which is North 43° 35' 57" East, 217.12 feet; thence North 36° 15' 42" East, 110.53 feet; thence Northeasterly 106.50 feet along the arc of a 75 foot radius curve to the right the chord of which is North 76° 56' 31" East, 97.78 feet; thence South 62° 22' 40" East, 157.29 feet, to the Point of Beginning of said easement; thence South 62° 22' 40" East, 142.74 feet; thence Southeasterly 45.33 feet along the arc of a 118.65 foot radius curve to the right the chord of which is South 51° 25' 59" East, 45.06 feet; thence Southeasterly 91.55 feet along the arc of a 161.65 foot radius curve to the left the chord of which is South 56° 42' 49" East, 90.33 feet; thence Northeasterly 92.95 feet along the arc of a 131.40 foot radius curve to the left the chord of which is North 86° 47' 41" East, 91.03 feet; thence Southeasterly 42.40 feet along the arc of a 50 foot radius curve to the right the chord of which is South 89° 10' 41" East, 41.14 feet; thence Northeasterly 211.92 feet along the arc of a 129.45 foot radius curve to the left the chord of which is North 68° 12' 51" East, 189.04 feet; thence North 21° 18' 49" East, 24.11 feet; thence Northwesterly 152.20 feet along the arc of a 97.13 foot radius curve to the left the chord of which is North 23° 34' 37" West, 137.10 feet; thence Northwesterly 35.48 feet along the arc of a 150.00 foot radius curve to the right the chord of which is North 61° 41' 28" West, 35.40 feet; thence North 54° 54' 52" West, 221.76 feet; thence North 37° 18' 18" West, 40.51 feet, to the Point of Ending of said easement.

SUBJECT TO all agreements, covenants, easements, right-of-ways, reservations and restrictions of record, if any.



ALTERATION OF ANY PART OF THIS DOCUMENT WITHOUT THE PERMISSION OF BOB MITCHELL & ASSOCIATES IS PROHIBITED.

William P. Mitchell
William P. Mitchell
Professional Surveyor No. 4001057370

Bob Mitchell & Associates P.C.

SURVEYING / ENGINEERING

404 West Main Street P.O. Box 308
Kingsley, MI 49649
(231) 263-5463 · FAX (231) 283-7921
Toll Free in Michigan 1-800-533-6627
email wm@mapcivilsurvey.com
NORTH 1ST STREET
Harrison, MI 48625

CLIENT: LON MARSHALL III		
LOCATION: PART OF THE SOUTHEAST ONE-QUARTER, SECTION 27, TOWN 15 NORTH, RANGE 03 WEST, DENVER TOWNSHIP, ISABELLA COUNTY, MICHIGAN.		
DWN. WPM	DATE 3-16-21	FILE NO. 202100049
CK. JEM	FLD. BK. X PG. X	SHEET 6 OF 6