

SIDEWALK INSTALLATION DEFERRAL AGREEMENT

THIS AGREEMENT made and entered into this _____ day of _____,
20____, by and between _____

(Property Owners: Full legal name and marital status MUST BE LISTED for each property owner)

whose address is _____

hereinafter referred to as “Owner”, and the Charter Township of Shelby, a Michigan municipal corporation, whose address is 52700 Van Dyke Avenue, Shelby Township, MI 48316, hereinafter referred to as “Township”.

W I T N E S S E T H:

WHEREAS, the Owner has been issued a building permit pursuant to applicable statutes of the State of Michigan and Ordinances of the Township for the construction, improvement, addition or modification of a principal structure on the land more particularly described in Exhibit “A” attached hereto;

WHEREAS, said building permit mandates the installation of sidewalks as a condition thereof; and

WHEREAS, the Owner has petitioned the Township to defer the requirement for the installation of said sidewalks, and the Township has determined that such deferral is appropriate pursuant to the Ordinances of the Township, subject to the conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, the parties agree as follows:

1. The Township hereby agrees to administratively defer the requirement for the installation of the sidewalks as required by the building permit issued by the Township pursuant to Section 58-530 of the Code of Ordinances until such time as the Township Supervisor shall determine that such sidewalks should be installed in the interest of the health, safety or welfare of the residents of the Township.

2. The Owner hereby agrees to install the aforesaid sidewalks within one hundred twenty (120) days after written notice is given by the Township to the Owner to install such sidewalks.

3. Should the Owner fail to install said sidewalks within the aforesaid period, the Township may proceed to install the same and assess the costs of said installation against the lands described in Exhibit "A" pursuant to and in accordance with the provisions of Act 188, said Public Acts of 1954, as amended, and Act 246, Public Acts of 1931, as amended, and Section 58-530 of the Code of Ordinances.

4. Owner agrees that this Agreement shall constitute a petition pursuant to and in accordance with Act 188, Public Acts of 1954, as amended, and hereby waives any and all hearings, notices of hearing and/or other requirements preliminary to the establishment of a lien against said land for recovery of the actual costs incurred by the Township for the design and installation of said sidewalks as may be required by the aforesaid Acts 188 and 246.

5. Upon request of the Township pursuant to Section 58 527-(f)(2), where the right of way width varies along a roadway, the property owner shall provide an easement to the

