FIRST AMENDMENT TO DECLARATION OF CONSERVATION RESTRICTIONS

THIS FIRST AMENDMENT TO DECLARATION OF CONSERVATION RESTRICTIONS (the “Amendment”) is dated as of November 6, 2019, and is made by the BOARD OF TRUSTEES OF WESTERN MICHIGAN UNIVERSITY, a Michigan constitutional body corporate (“WMU”).

Background


WMU now desires to amend the Declaration in the manner provided herein.

Amendment

NOW, THEREFORE, the Declaration is hereby amended as follows:


2. Restrictions on Use. The Restrictions on Use set forth in Section 3 of the Declaration are amended as follows:

   (a) Roads, paths and parking lots may be paved as approved by the Policy and Management Council or as otherwise required by any federal, state or local law, regulation, ordinance or order, or to protect the health, safety and well-being of the public users of the Preserve.

   (b) Boats may be used on the Preserve as needed for any research or education activities approved by the Policy and Management Council.

3. Miscellaneous. In the event of a conflict or inconsistency between this Amendment and any other terms of the Declaration, the terms of this Amendment shall govern. Except as amended herein, all other terms of the Declaration shall continue in full force and effect. The terms of this Amendment may only be modified by a writing executed by WMU. The Background set forth above is, by this reference, incorporated into the text of this Amendment as if fully set forth herein. Initially capitalized terms used but not defined in this Amendment, but defined in the Declaration, shall have the meanings given to them in the Declaration.

[SIGNATURES AND NOTARIAL ACKNOWLEDGEMENT ON FOLLOWING PAGE]
IN WITNESS WHEREOF, WMU has executed this instrument as of the date set forth above.

THE BOARD OF TRUSTEES OF WESTERN MICHIGAN UNIVERSITY, a Michigan constitutional body corporate

By:______________________________

STATE OF MICHIGAN )
) COUNTY OF KALAMAZOO )

The foregoing instrument was acknowledged before me this ___ day of ________________, 2019, by ________________ the _________ of the Board of Trustees of Western Michigan University, a Michigan constitutional body corporate, on behalf of the University.

_____________________, Notary Public
Kalamazoo County, Michigan
Acting in _________ County, Michigan
My Commission expires: ____________

THIS INSTRUMENT DRAFTED BY AND WHEN RECORDED RETURN TO:
Steven M. Stankewicz, Esq.
Miller, Canfield, Paddock and Stone PLC
277 South Rose Street, Suite 5000
Kalamazoo, Michigan 49007
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EXHIBIT “A”
FRAMEWORK