

STATE OF MICHIGAN

LENAWEE COUNTY CIRCUIT COURT

GERKEN MATERIALS, INC.,
Plaintiff

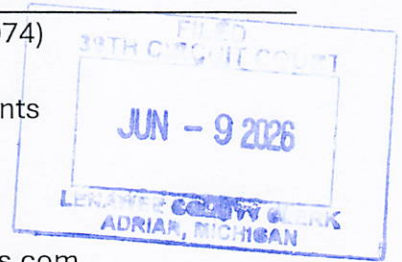
v.
WOODSTOCK TOWNSHIP, WOODSTOCK
TOWNSHIP BOARD OF TRUSTEES, and
WOODSTOCK TOWNSHIP PLANNING
COMMISSION,
Defendants.

File No.: 24-7493-CZ
24-7464-AA

HON. ANNA MARIE ANZALONE

Phillip D. Goldsmith (P37650)
Lennard, Graham & Goldsmith, PLC
Attorneys for Plaintiff
333 Washington Street
Monroe, MI 48161
(734)242-9500
pgoldsmith@lggplc.com

Frederick Lucas (P29074)
Castleberry & Lucas
Attorneys for Defendants
7577 US Highway 12
Onsted, MI 49265
(517)467-4000
fred@castleberrylucas.com



CONSENT JUDGMENT

At a session of the court held in Adrian, Michigan
Present: Hon. Anna Marie Anzalone,
Circuit Court Judge

Plaintiff, GERKEN MATERIALS, INC (“Gerken”), by its attorney, Phillip D. Goldsmith and Defendants WOODSTOCK TOWNSHIP, WOODSTOCK TOWNSHIP BOARD OF TRUSTEES, and WOODSTOCK TOWNSHIP PLANNING COMMISSION (collectively “Township”), by their attorney, Frederick Lucas having consented to the entry of judgment;

Background

Gerken is a for-profit corporation that engages in mineral extraction activities, including the reclamation of sites once extraction has been completed. In that regard, Gerken is either the fee title owner or leaseholder of the following parcels of property located within Woodstock Township:

- (a) WD0-123-1405-00 Identified as Parcel A on **Exhibit 1 Round Lake West;**
- (b) WD0-123-1025-00 Identified as Parcel B on **Exhibit 1 Round Lake West;**
- (c) WD0-114-3500-00 Identified as Parcel C on **Exhibit 1 Round Lake West;**
- (d) WD0-115-4800-00 Identified as Parcel D on **Exhibit 1 Round Lake West;**
- (e) WD0-122-2280-00 Identified as Parcel E on **Exhibit 1 Round Lake West** (this is the only parcel that Gerken does not own and is leasing);
- (f) WD0-126-2655-00 Identified as Parcel F on **Exhibit 2 Round Lake East;**
- (g) WD0-126-2280-00 Identified as Parcel G on **Exhibit 2 Round Lake East;**
- (h) WD0-126-2900-00 Identified as Parcel H on **Exhibit 2 Round Lake East;**
- (i) WD0-125-1085-00 Identified as Parcel I on **Exhibit 2 Round Lake East;**
- (j) WD0-125-1525-00 Identified as Parcel J on **Exhibit 2 Round Lake East;**
- (k) WD0-125-1025-00 Identified as Parcel K on **Exhibit 2 Round Lake East;**
- (l) WD0-125-1780-00 Identified as Parcel L on **Exhibit 2 Round Lake East;**
- (m) WD0-114-2050-40 Identified as Parcel M on **Exhibit 3 Round Lake North.**

Currently, Gerken engages in mineral extractions pursuant to conditional use permits on Parcels A, B and E and a second conditional use permit on Parcels F, G, H, I, J and K.

Woodstock Township enacted both regulatory and zoning ordinances relative to mining operations within the Township, specifically, Section 5.5.9 of the Township Zoning Ordinances and Township General Ordinance No. 96. A previous opinion and order of this court found that the conditional use permit (“CUP”) issued to Gerken for Parcels A, B and E

was not subject to Ordinance No. 96.¹ It is the application of this ordinance that forms the basis for the two matters pending before this court.

The two separate matters before this court can be best summarized as follows: (a) an appeal of an administrative decision to deny a variance request made by the Woodstock Township Zoning Board of Appeals in Lenawee County Circuit Court File No. 24-7464-AA; and (b) an original suit seeking mandamus and damages for the denial of a mineral extraction license (“Original Action”) -File No. 24-7493-CZ related to Parcel M. Additionally, there are concerns unrelated to these two actions, which the parties wish to address as a global resolution for all claims they currently have, whether or not they are asserted in the aforementioned cases.

IT IS ORDERED AND ADJUDGED AS FOLLOWS:

1. Round Lake West.

A. Combination of Parcels. Parcels A, B, C and D shall be joined as a single parcel (hereafter referred to as the Combined Parcels). A deed restriction that runs with the land shall enter that prohibits any future sale of these parcels in any manner other than as a whole. Gerken has caused a survey to be completed depicting the joining of the above referenced parcels, which is attached as **Exhibit 4**. The new legal description for this combined parcel is attached as **Exhibit 5** (the “Combined Parcel”).

B. Use of Combined Parcels. The use of the Combined Parcels and Parcel E for mineral extractions shall be governed by the current CUP for mineral extraction currently issued to Parcels A, B and E, the same of which shall be amended to include all parcels that

¹ *Gerken Materials, Inc. v Woodstock Township*, Lenawee County Circuit Court File No. 16-5512-AA.

are being combined pursuant to this Consent Judgment. Gerken has caused a “Revised Mining And Reclamation Plan” depicting the active mining and reclamation areas, which is attached as **Exhibit 1**. All zoning and regulatory ordinances that currently apply to Parcels A, B and E shall also apply to the Combined Parcels, including the required 100 feet set back from adjoining properties.

C. Applicable Rules. As the Combined Parcels shall be subject to the requirements of CUP issued to Parcels A, B and E, at the time the CUP was issued, which preceded the enactment of Ordinance No. 96, the parties agree that all allowed activities under the CUP shall be conducted in accordance with the CUP as modified by the rules set forth in **Exhibit 6**.

D. Extraction License. Any conditional use permit and/or mineral extraction permit presently issued for Round Lake West shall cover any mining shown as Area 1 in Parcel B, Area 2 in Parcel C, Area 3 in parcel D and Area 4 in Parcel E on **Exhibit 1**.

E. Exempt from Mining. Except for the area shown as Area 3 on Parcel D on **Exhibit 1** as being subject to mining, the remainder of Parcel D will not be mined, now or in the future. Nor will that the remainder of Parcel D ever be used for a data center, solar, wind or battery storage facilities. Gerken will execute a recordable deed restriction reflecting these restrictions.

F. Reclamation. Parcels C, D and E in Round Lake West shall be reclaimed by no later than December 31, 2027 according to the revised reclamation plan as shown on **Exhibit 1**. Further, the remainder of Round Lake West shall be reclaimed according to the previously approved reclamation plan.

2. Round Lake East.

A. Continued Operation. Gerken may continue to engage in mineral extraction activities on Parcels F, G, H, I, J, and K and incorporate a portion of parcel L as presented in the attached **Exhibit 7**. The continued mineral extraction shall conform to the requirements of the currently issued conditional use permit and/or mineral extraction permit, and revised reclamation plan attached as **Exhibit 7**.

B. Reclamation. Notwithstanding the foregoing, reclamation shall be completed on that portion of the south side of the Round Lake East parcels as depicted on the attached **Exhibit 7** and shall be completed no later than December 31, 2027. All reclamation efforts shall be in conformity with the approved reclamation plan. The remainder of the reclamation of Round Lake East shall be reclaimed in accordance with the previously approved reclamation plan.

C. Applicable Rules. As the CUP issued for Round Lake East preceded the enactment of Ordinance No. 96, the parties agree that all allowed activities under the CUP shall be conducted in accordance with the CUP as modified by the rules set forth in **Exhibit 6**.

D. Extraction License. The conditional use permit and/or mineral extraction permit presently issued for Round East shall cover any mining in the 9.1 acres on Parcel L as shown on **Exhibit 7**.

E. Exempt from Mining. Except that portion of Parcel L as shown on **Exhibit 7** as 9.1 acres, all land East and South of that 9.1 acres on Parcel L will not be mined, now or in the future. Nor will all land East and South of the 9.1 acres on Parcel L ever be used for a data

center, solar, wind or battery storage facilities. Gerken will execute a recordable deed restriction reflecting these restrictions.

3. Round Lake North.

The Conditional Use Permit previously granted for Round Lake North remains in effect. Upon entry of this Consent Judgment, Gerken shall apply for a mineral extraction license pursuant to the Township's mineral extraction ordinance and submit to the Township for reviewing all documents as required by ordinance as it pertains to the Parcel M. Upon the submission of these documents, the Township shall review the application and if it meets the terms and conditions of the mineral extraction ordinance approve these plans and issue all necessary permits so long as they are in compliance with the current Township regulatory and zoning ordinances.

4. Location of Processing Plant.

The processing plant shall remain in its current location on the Round Lake West Parcel and not now or in the future be moved to Round Lake North.

5. Gerken Appeal-File No. 24-7464-AA.

As a result of the provisions set forth in the preceeding paragraph 1, including its subparts, the issue that forms the basis for the appeal of the decision of the Woodstock Township Zoning Board of Appeals in Lenawee County Circuit Court File No. 24-7464-AA, is now moot. Accordingly, the parties shall cause a dismissal of that appeal with prejudice and without costs to either party within seven (7) days of the entry of this Consent Judgment.

6. Gerken Original Matter-File No. 24-7493-CZ.

As a result of the provisions set forth in this Consent Judgment the issues that form the basis for the instant Original Action in Lenawee County Circuit Court File No. 24-7493-CZ, are wholly resolved. Accordingly, this Consent Judgment shall serve to resolve all pending issues as set forth herein. This Consent Judgment shall issue without costs to either party.

7. Mutual Release from Liability.

Gerken for itself, its officers, directors, shareholders, successors and assigns, and the Township, for itself, its employees, officials, boards, councils, successors, predecessors and assigns mutually release and forever discharge each other of and from any and all claims, demands, actions, causes of action, suits, judgments, damages, debts, fees, and rights of whatever nature in law, equity or otherwise, which shall exist or which may subsequently accrue by reason of any acts, events or facts arising out of or related to this lawsuit and existing on the date of this Consent Judgment, whether known or unknown on that date, including all appeal rights.

8. Dismissal of Claims.

All claims asserted in this case and/or related to this Consent Judgment will be dismissed with prejudice. However, nothing in this Consent Judgment shall bar any claims brought to enforce, interpret or otherwise obtain legal or equitable relief under or pursuant to this Consent Judgment.

9. Binding.

The Consent Judgment is binding upon and shall inure to the benefit of the parties hereto and their heirs, personal representatives, successors, assigns, and transferees.

10. No Impairment by Future Acts.

The rights of Gerken, as set forth in this Consent Judgment, are fully vested and enforceable, and the Township shall adopt no resolution, ordinance or ordinance amendment, government planning document, or regulation, which impairs or seeks to impair those rights. Nothing in this paragraph, however, shall preclude the Township from amending the Township Zoning Ordinance or the Township General Ordinances from time to time, as the Township deems appropriate or from adopting regulations related to the use of the properties permitted by this Consent Judgment that otherwise apply equally to any and all such existing or future land uses, provided that said ordinance amendments and/or regulations do not in any way alter this Consent Judgment, or deprive Gerken of the use of its land as allowed by this Consent Judgment.

11. No Admission.

This Consent Judgment shall not be construed as an admission of fact, law, or liability.

12. Not a Contract.

This Consent Judgment is not a contract between Gerken and the Township; it is an order of the Lenawee County Circuit Court.

13. Recordation.

This Consent Judgment may be recorded with the Lenawee County Register of Deeds, and the covenants contained herein are declared to be covenants running with the land and all portions or divisions thereof, and the obligations, duties and rights herein shall be binding on the respective heirs, successors, grantees, and assigns of the parties.

14. Authority.

The signatories to this Consent Judgment certify that they are authorized to execute this Agreement and legally bind the parties they represent.

15. Fair and Just Provisions.

The parties agree that the terms and conditions of the Agreement and this Consent Judgment are reasonable, adequately resolve the issues and protect the public interests and the interests of the parties.

16. Amendments.

This Consent Judgment may be amended, changed, waived, or modified only by a written agreement executed by the parties and approved or ordered by this Court. No waiver of any provision of this Consent Judgment as originally entered or as amended shall be valid unless in writing and signed by the party against whom the waiver is charged. There are no other representations or agreements between the parties other than those contained in this Consent Judgment as amended.

17. Entire Agreement; Integration.

This Agreement contains the entire agreement among the Parties and may be amended only in writing executed by all of the Parties. This Agreement supersedes all prior

and contemporaneous negotiations, promises, covenants, representations, and oral or written agreements concerning the subject matter of this Agreement. No Party relied or is relying on any representation or warranty of any other person or Party that is not specifically set forth herein.

18. Severability.

Should any provision of this Consent Judgment be declared invalid, illegal, or unenforceable by any court of competent jurisdiction, by administrative order, or by reason of any rule of law or public policy, all other provisions shall nevertheless remain in full force and effect and no provision shall be deemed dependent upon any other provision unless so specified.

19. Execution.

The parties shall execute any and all documents and/or enter into such agreements and/or take other actions as are necessary or convenient to carry out the intent of this Consent Judgment.

20. Final Order.

This Consent Judgment fully adjudicates all of the claims and causes of action in this matter, including those pled and which could have been pled, and constitutes the final order of the Court. Further, this Consent Judgment fully adjudicates all of the claims and causes of action in Lenawee County Circuit Court File No. 24-7464-AA, including those pled and which could have been pled, and constitutes the final order of the Court in that file. Accordingly, This Consent Judgment resolves all pending claims and closes both cases.

21. Continuing Jurisdiction.

The Circuit Court for the County of Lenawee retains jurisdiction to assure compliance with the terms of this Consent Judgment and to grant whatever legal and/or equitable relief or remedies that the Court deems appropriate.

This Consent Judgment resolves all pending claims and closes this case.

/s/ Anna Marie Anzalone

Hon. Anna Marie Anzalone
Circuit Court Judge

Date signed: **JUN - 9 2026**

STIPULATION

Plaintiff, GERKEN MATERIALS, INC (“Gerken”), by its attorney, Phillip D. Goldsmith and Defendants WOODSTOCK TOWNSHIP, WOODSTOCK TOWNSHIP BOARD OF TRUSTEES, and WOODSTOCK TOWNSHIP PLANNING COMMISSION (collectively “Township”), by their attorney, Frederick Lucas consent to the entry of the above judgment.

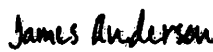
GERKEN MATERIALS, INC.

Signed by:


07C4497F308E491...

By: Brent Gerken
Its: President
Date: 2026-06-04 | 15:34:33 EDT

WOODSTOCK TOWNSHIP

Signed by:

EF2F804A3CE548A...

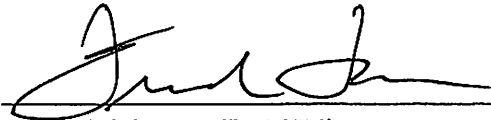
By: James Anderson
Its: Supervisor
Date: 2026-06-03 | 20:28:43 EDT

Signed by:

A361B743EE83461...

By: Ashley Wilson
Its: Clerk
Date: 2026-06-04 | 09:50:24 EDT

Signed by:
Phillip Goldsmith
2D7B83ADF3794A4...

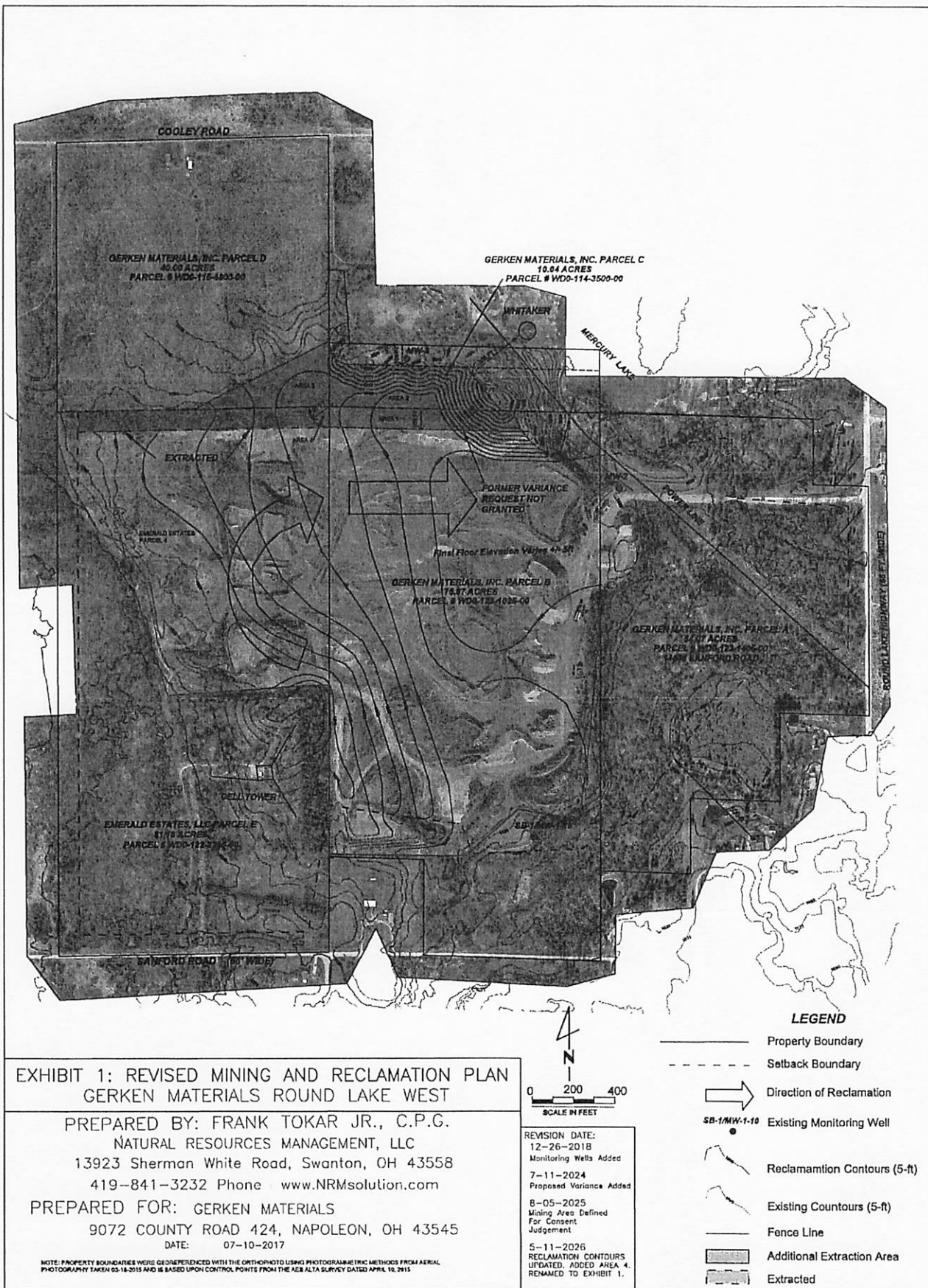
Phillip D. Goldsmith (P37650)
Attorneys for Plaintiff
Date: 2026-06-04 | 12:16:40 EDT



Frederick Lucas (P29074)
Attorneys for all Defendants
Date:

Exhibit 1

EXHIBIT 1

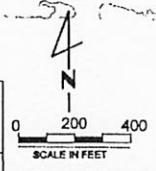


**EXHIBIT 1: REVISED MINING AND RECLAMATION PLAN
GERKEN MATERIALS ROUND LAKE WEST**

PREPARED BY: FRANK TOKAR JR., C.P.G.
NATURAL RESOURCES MANAGEMENT, LLC
13923 Sherman White Road, Swanton, OH 43558
419-841-3232 Phone www.NRMsolution.com

PREPARED FOR: GERKEN MATERIALS
9072 COUNTY ROAD 424, NAPOLEON, OH 43545
DATE: 07-10-2017

NOTE: PROPERTY BOUNDARIES WERE GEOREFERENCED WITH THE ORTHOPHOTO USING PHOTOGRAMMETRIC METHODS FROM AERIAL PHOTOGRAPHY TAKEN 05-18-2015 AND IS BASED UPON CONTROL POINTS FROM THE AERIAL SURVEY DATED APRIL 10, 2015



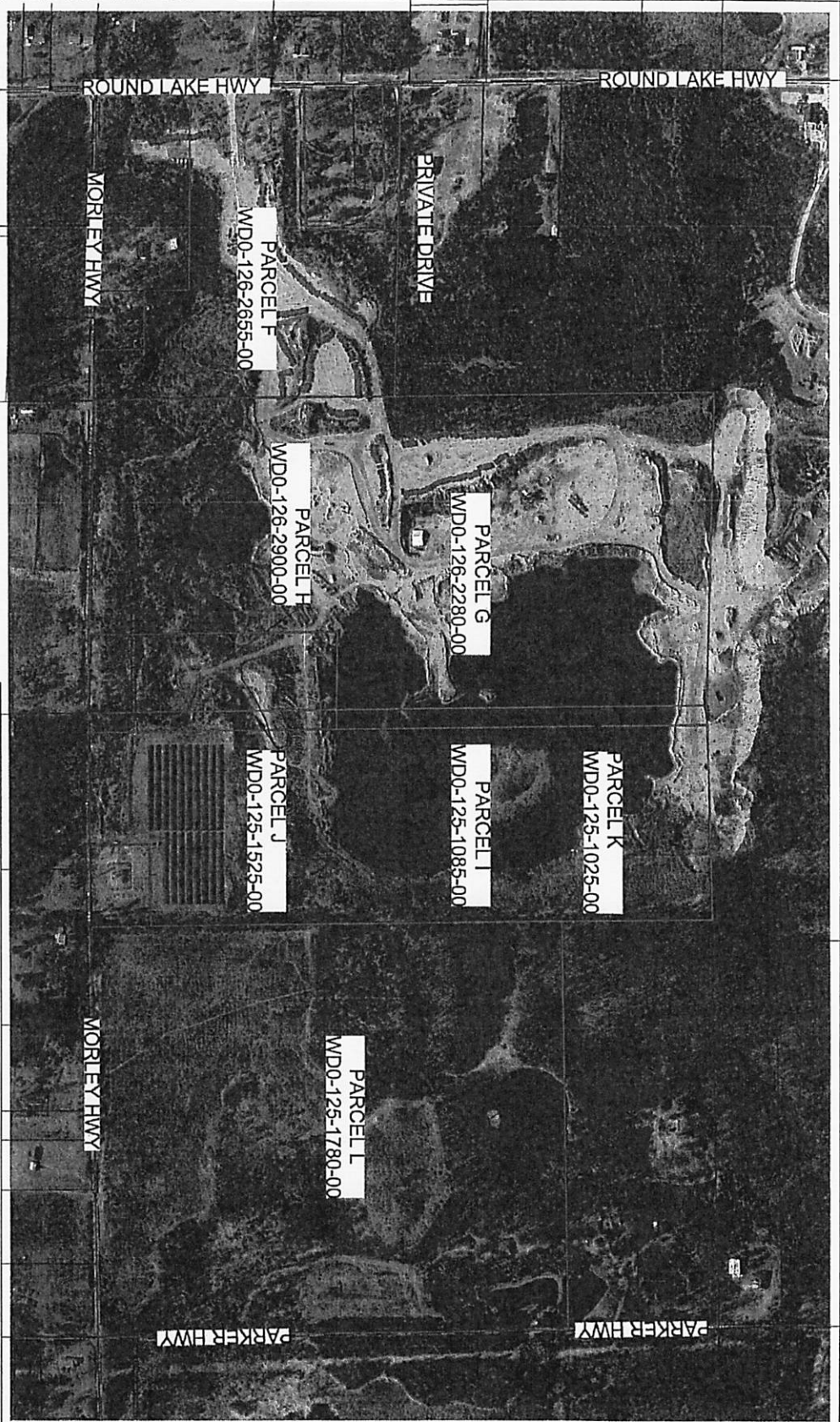
REVISION DATE:
12-26-2018
Monitoring Wells Added
7-11-2024
Proposed Variance Added
8-05-2025
Mining Area Defined
For Consent
Judgement
5-11-2026
RECLAMATION CONTOURS
UPDATED. ADDED AREA 4.
REMOVED TO EXHIBIT 1.

LEGEND

- Property Boundary
- - - Setback Boundary
- ➔ Direction of Reclamation
- SB-1/MW-1-10 Existing Monitoring Well
- ~ Reclamation Contours (5-ft)
- ~ Existing Countours (5-ft)
- Fence Line
- Additional Extraction Area
- Extracted

Exhibit 2

EXHIBIT 2



LEGEND:

-  ROAD
-  PRIVATE DRIVE
-  PARCEL
-  CONSENT JUDGMENT PARCEL

EXHIBIT 2 - ROUND LAKE EAST
 GERKEN MATERIALS ROUND LAKE EAST
 8707 Round Lake Hwy, Addison, MI 49220

PREPARED BY:
 NATURAL RESOURCES MANAGEMENT, LLC
 12625 WILSON AVENUE, N.E.
 SUITE 100, ALBUQUERQUE, NM 87112-3823
 WWW.NRMCONSULTING.COM

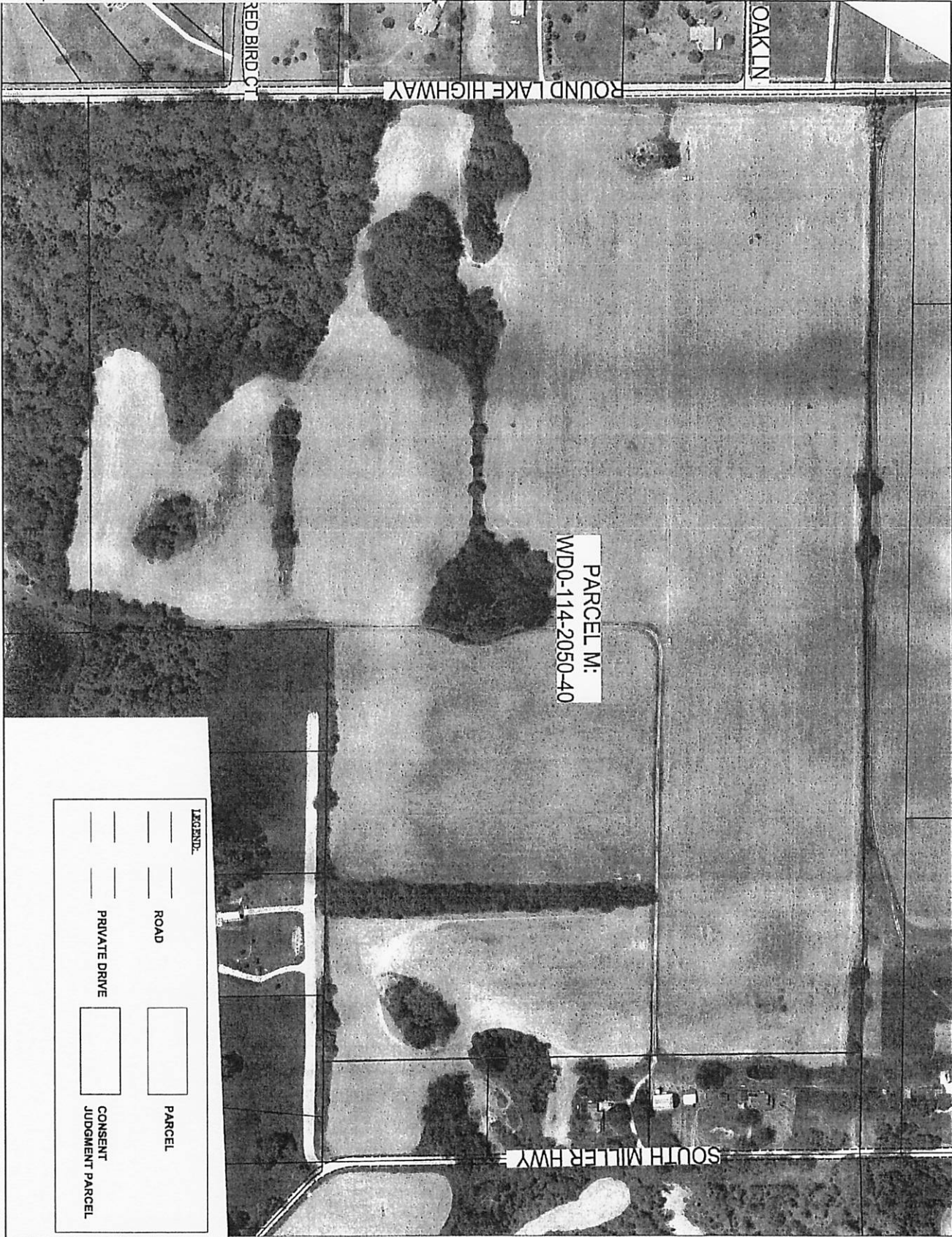
PREPARED FOR:
 GERKEN MATERIALS, INC.
 9072 COUNTY RD. 424, NAPOLEON, OH 43545

DATE:	REVISION DATE:	DESCRIPTION:
1/30/2026	-	-
DRAWN BY:		
J.P.S.		
CHECKED BY:		
SCALE:		
1"=200'		
PROJECT NO.:		



Exhibit 3

EXHIBIT 3



LEGEND:	
	ROAD
	PRIVATE DRIVE
	PARCEL
	CONSENT JUDGMENT PARCEL

<p>EXHIBIT 3 ROUND LAKE NORTH GERKEN MATERIALS ROUND LAKE NORTH ROUND LAKE HIGHWAY, WOODSTOCK TOWNSHIP, MI</p>	DATE:	1/30/2024	REVISION DATE:	--	DESCRIPTION:
	DRAWN BY:	J.P.B	CHECKED BY:	--	
<p>PREPARED BY: NATIONAL RESOURCES MANAGEMENT, LLC 2900 BETHLEHEM AVENUE JEWELLA, OH 43034 (614) 841-2832 WWW.NRMCONSULTING.COM</p>	SCALE:	1"=100'	PROJECT NO.:	--	
	<p>PREPARED FOR: GERKEN MATERIALS, INC. 9072 COUNTY RD. 424, NAPOLEON, OH 43546</p>				

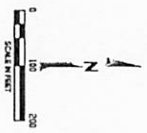


Exhibit 4

Exhibit 5

SKETCH OF DESCRIPTION

Description
Woodstock Township, Lenawee County, Michigan

All that part of the Northwest 1/4 of Section 23 and all that part of the Southeast 1/4 of Section 15 and all that part of the Southwest 1/4 of Section 14, Town 5 South, Range 1 East, Woodstock Township, Lenawee County, Michigan, described as beginning 321.00 feet South 01°59'30" East (Recorded as South 01°59'26" East) along the East line of the Northwest 1/4 of Section 23 (centerline of Round Lake Highway 66 feet wide) from the North 1/4 Corner of said Section 23, also being the South 1/4 Corner of said Section 14; thence continuing South 01°59'30" East (Recorded as South 01°59'26" East) 1118.94 feet along said line; thence North 89°59'50" West 435.99 feet (Recorded as South 90°00'00" West 435.86 feet); thence South 01°59'57" East 432.16 feet; thence North 89°58'46" West 443.90 feet; thence South 01°59'57" East 368.06 feet; thence North 89°55'50" West 45.00 feet; thence South 89°59'52" West 400.03 feet (Recorded as South 90°00'00" West 400.00 feet); thence South 01°50'17" East 435.78 feet (Recorded as South 01°50'14" East 435.82 feet); thence North 90°00'00" West 860.99 feet along the South line of the Northwest 1/4 of said Section 23 (centerline of Sanford Road 66 feet wide); thence North 01°41'00" West 468.59 feet; thence North 90°00'00" West 465.00 feet; thence North 01°41'00" West 2192.93 feet along the West line of the Northwest 1/4 of said Section 23 to the Northwest Corner of said Section 23, also being the Southeast Corner of said Section 15 and the Southwest Corner of said Section 14; thence South 87°07'41" West 1335.51 feet along the South line of Section 15; thence North 02°04'27" West 1333.48 feet along the West line of the Southeast 1/4 of the Southeast 1/4 of said Section 15; thence North 87°20'59" East 1335.97 feet along the North line of the Southeast 1/4 of the Southeast 1/4 of said Section 15 (centerline of Cooley Road 66 feet wide); thence South 02°02'26" East (Recorded as South 01°32'13" West) 664.22 feet along the East line of Section 15 (common with the West line of Section 14); thence North 89°45'02" East 74.98 feet (Recorded as South 86°43'48" East 75.03 feet); thence South 06°19'26" East 357.60 feet (Recorded as South 02°45'01" East 357.81 feet); thence North 89°41'44" East (Recorded as South 86°43'48" East) 1216.46 feet; thence South 02°06'59" East (Recorded as South 01°28'39" West) 308.16 feet; thence North 89°41'55" East 1046.60 feet (Recorded as 1046.51 feet) along the North line of the Northwest 1/4 of said Section 23; thence South 01°59'30" East 321.00 feet; thence North 89°41'55" East (Recorded as North 89°41'59" East) 272.00 feet to the point of beginning. Containing 180.79 acres. Subject to highway easements and all other easements and restrictions of record, if any.

W:\Projects\401\2025\1200-1399\2501217\CAD\SURV\C3D\2501217-Natural Resources Management LLC.dwg

Drawn By	Checked By
DRM	KLP

FOR: NATURAL RESOURCES MGNT, LLC	JOB NO: 2501217
SCALE: 1 INCH = 500 FEET	DATE: SEPTEMBER 19, 2025



SHEET 2 OF 2
237 NORTH MAIN STREET
ADRIAN, MI 49221
TEL: 517.263.4515
FAX: 517.263.4535

Kevin L. Pickford
Kevin L. Pickford
Professional Surveyor No. 4001046682

Exhibit 6

EXHIBIT 6

RULE APPLICABLE TO ROUND LAKE EAST AND ROUND LAKE WEST MINERAL EXTRACTION OPERATIONS

Gerken, its successors and assigns (collectively "Gerken"), agrees that it shall continue to conduct mineral extraction activities under the existing CUP's for Round Lake East and Round Lake West (collectively "the sites") in accordance with the rules set forth below, and in accordance with the approved CUP's and reclamation plans.

1. **General.** Operate only in compliance with the terms of the existing CUP.
2. **Hours of Operation.**
 - A. *Extractive and Processing Activities.* Extractive and processing activities shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m. or sunset, whichever comes first, Monday through Friday, and between 7:00 a.m. and 12:00 noon on Saturday.
 - B. *Transporting.* No transporting of aggregates or any materials from the site shall occur prior to 7:00 a.m. and after 8:00 p.m., Monday through Friday, and prior to 7:00 a.m. and after 12:00 p.m. on Saturday.
 - C. *Sunday Operations.* There shall be no extractive or processing activities or transporting of aggregates on Sundays or legal holidays. The holidays are New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving, and Christmas.
 - D. *Emergency Hours.* Permission for emergency hours of operation shall be granted only upon written request from Gerken and by written agreement of the Township board. Details of the need for emergency hours shall be within the written agreement.
3. **No Processing.** Other than as specified in the CUP, no processing of any nature, shall be conducted at any time on site.
4. **Machinery and Building Setbacks.** All machinery, equipment, and buildings and structures shall be located at least 100 feet from any road right of way or lot line, and 500 feet from any existing residence. This prohibition does not apply to the operation of equipment used in extracting materials from the ground. The greater setback distance as described shall apply.
5. **Mining and Stockpiling Setbacks.** No extraction, processing, loading, weighing, stockpiling or other operations or equipment storage or repair shall take place closer than:
 - A. 100 feet from any road right-of-way or the outer boundaries line of the Permitted site(s).

EXHIBIT 6

- B. 300 feet from any existing residence.
 - C. 500 feet from any stream, waterway, or wetland, unless otherwise permitted by the Michigan Department of Environment, Great Lakes and Energy (EGLE) or other state or federal regulatory agency.
6. **Lateral Support.** There shall be no extraction unless there is adequate lateral support for adjoining land, not subject to the permit, as determined by the Township engineer.
 7. **Stabilization of Soil.** Stockpiles of soil to be used for the reclamation shall be stabilized by temporary or permanent measures or otherwise maintained as specified in approved soil erosion plan and/or soil erosion and sedimentation requirements of the Environmental Protection Act, MCL 324.9101 et seq., Part 91 as defined.
 8. **Natural Drainage and Ground Water Recharge.** The extraction operations and related activities shall not adversely affect the natural drainage of the other properties in the area nor shall there be a net loss of regulated wetlands or recharge area.
 9. **Impact on Water.** The operation shall be conducted so it will not cause any contamination or change in the quality or quantity of ground or surface water outside the site and shall be monitored by adequate monitoring wells and techniques for surface water (i.e. flow flume or equivalent method) as determined by the Township.
 10. **Noise, Odors, Smoke, Fumes, or Dust.** Any noise, odors, smoke, fumes, or dust generated on said site by any digging, excavating, loading or processing operation and borne, or apt to be borne by the wind, shall be confined so as not to cause a nuisance or hazard on any adjoining property or public road. The noise generated by the operation shall not at any time exceed 75 decibels ('a' scale) for a period longer than one (1) minute. (Equivalent noise).
 11. **Landscaping.** Berms and landscaping shall be installed at all locations around the site that lack natural screening, and shall consist of the following:
 - A. Earth berms constructed to a height of 6 to 11 feet above the mean elevation of the centerline of the adjacent public highway or the general level of the terrain along the interior property lines, whichever is higher. Such berms shall have slopes that are not in excess of 1 foot vertical to 3 feet horizontal and shall be planted with grass, trees or shrubs.
 - B. Berms installed for noise control or for sight screening shall be exempt from the stockpile restrictions in setback areas.

EXHIBIT 6

12. **Fencing.** Gerken shall maintain a six (6) feet chain link fence, or equivalent fencing, with gates, completely surrounding the permitted site, including haul routes from the extraction area and at the entrance to the sites. Gates shall be kept locked during non-operation hours. The integrity of the fence shall be verified. Any repairs shall be made immediately.
13. **Posting of Signs.** Where mineral extraction results in a body of water, Gerken shall place appropriate "Danger Keep-Out" signs around said premises not more than two hundred (200) feet apart.
14. **Grading of Non-mined Areas.** All portions of the site not currently being actively mined shall be graded so that the slopes are not steeper than one (1) foot vertical for each two (2) feet horizontal and protected with temporary control measures per the approved Soil erosion plan and/or soil erosion and sedimentation requirements of the Environmental Protection Act, MCL 324.9101 et seq., Part 91 as defined. Should additional measures be required to provide proper control of erosion and sedimentation, they will be installed.
15. **Storage of Hazardous Materials.** A list of all fuels, chemicals and other hazardous materials to be contained on-site, including material, quantity, use, and method of primary and secondary containment shall be provided to the Township and shall be updated no less than once every 4 months.
 - A. All containment structures or devices shall be designed and operated to prevent ground water pollution. Secondary containment facilities for fuels, waste oil, explosives or dust control chemicals are to have roofs.
 - B. Gerken shall also maintain and provide a written spill response plan and reports procedure, in the event a hazardous materials spill occurs on-site. Said plan shall indicate how any and all contaminated material will be collected and disposed.
 - C. The operations shall minimize on-site storage of such materials.
16. **Truck Routes.** Gerken shall notify all trucks entering the permitted site on the appropriate truck routes specified on the CUP and Gerken and will use best efforts to obtain compliance with this provision.
17. **Mud and Dust Control.** Gerken shall be responsible for adequately treating against dust/mud, and improving and maintaining, beyond Lenawee County Road Commission responsibility, the public roads, bridges and culverts directly servicing the site, as necessitated by the truck traffic over the haul route to or from the site. This shall include sweeping the roads a distance of 100 yards in either direction from the entrances to the sites.

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18. **Ingress and Egress Driveways.** Driveways used for ingress and egress for the extraction operation that are located within three hundred (300) feet of occupied residences shall be kept dust free by:
 - A. Hardtopping with a concrete or bituminous substance.
 - B. The regular spraying of water and/or calcium chloride.
 - C. If a concrete or bituminous surface is created, a street sweeper must be on-site and used as often as necessary to control dust and debris.
19. **Access to the Sites.** The current entranceway for Round Lake East and Round Lake West shall be the only entranceway used for access to those sites. These current roadways shall not be expanded in any way absent written approval by the Township Board.
20. **Outside Materials.** An inventory list of any outside materials hauled into the sites must be supplied to the Township Board and updated before the annual inspection.
21. **Water and Sewage.** Water supply and sanitary sewage disposal systems for the sites shall be maintained in accordance with the current Lenawee County Health Department approval.
22. **Liability Insurance.** Gerken must continue to maintain the liability insurance approved with the CUP and provide proof of that insurance to the Township annually.
23. **Explosives.** No explosives shall be used on the sites.
24. **Burning.** No on-site burning shall be permitted, unless Gerken has first obtained a burn permit from the Fire Department.
25. **Annual Report.** For each year during the duration of the current CUP's Gerken shall submit a report to the Township Board. The report shall include the following information:
 - A. Description of restoration activities undertaken during the reporting year.
 - B. Description of landscaping activities undertaken during the reporting year.
 - C. Acres of land restored during the reporting year, including a map of restored areas.
 - D. Total acres of disturbed land (not restored) at the end of the reporting year, including processing plant area, unseeded berms and slopes,

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unrestored areas, unrestored shorelines, areas stripped of topsoil, and water areas where active extraction is occurring.

- E. Monitoring well records and any domestic well records, certified by a registered engineer, geologist, or hydrogeologist, regarding ground water elevations and chemical analysis of the water collected during the reporting year.
- F. A lake bottom contour map (if applicable).
- G. A statement regarding planned extraction and restoration activities for the next reporting year.
- H. A statement regarding conformance to the approved extraction operations and reclamation plans, and compliance with required Federal, State, and County regulations including, but not limited to:
 - (1) The volumes of restoration material stockpiled on-site.
 - (2) The sufficiency of the stockpiled material to restore the then excavated site pursuant to the approved restoration plan.
 - (3) Copies of all permits and required inspections during the year.
 - (4) Any violations and the resolution thereof, during the prior year shall be provided.
- I. An aerial photograph of the entire site of oblique prospective, with a scale of not more than one (1) inch equals two hundred (200) feet, taken after extraction operations for the year have ceased and prior to the date of the Annual Report.
- J. Written evidence that the financial guaranties and liability insurance required pursuant to the CUP's are in full force for a period of not less than twelve (12) months from the date of the annual report.
- K. Applicable permits and/or reports that may be required from other governmental agencies.
- L. Each reporting year will end December 31 and the Annual Report shall be submitted by January 31 of the subsequent year for which the Annual Report is Due.
- M. Failure to provide the required annual reports shall result in a temporary suspension of the CUP's for the sites.

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26. **Additional Meetings.** Following receipt of the annual report, the Township may require meetings with representatives of Gerken to review the annual report and to discuss any existing or anticipated issues associated with the extraction operation and may, if reasonably necessary, require that additional information, testing or reports be submitted to the Township in order that the Township may address those issues.
27. **Inspections.** Appointed representatives of the Township, including, but not limited to the Township engineer and/or consultants, shall conduct not less than one inspection of the sites each year. The Township shall give Gerken reasonable notice of any inspections. A representative of Gerken shall accompany the inspectors. The inspection date(s) for Township officials to visit the extraction site shall be determined when the annual report is received. The purpose of the inspection is to evaluate the operations in terms of the annual report and compliance with the approved CUP conditions. At the time of any inspections, the Township representatives may extract from the property samples of water, soil, and/or other material as may be necessary to perform the evaluation. A series of photographs will be taken to establish a historic record of activities and site changes over the life of the extraction operation. An inspection report shall be submitted to the Township by its engineer and consultants and shall include:
- A. An evaluation of the annual report submitted by Gerken.
 - B. An evaluation of the site and operations in terms of performance and compliance with the CUP.
 - C. Review of all monitoring well data in relation to the baseline water quality data and in regard to the general operation of the sites.
 - D. A determination of the amount of the reclamation security, based upon the amount of land disturbed and reclaimed.
 - E. Photographs of the sites.
 - F. Recommendations, including a modified monitoring plan, reclamation plan, and/or inspections schedule.
 - G. A request for such additional data as Township's representative reasonably deems necessary as the extraction area is increased or if the extraction lake is increased in depth.
28. **Escrow for Costs.** Gerken shall deposit funds into the Operations Escrow account, as defined in Section 18 of Regulatory Ordinance No. 96, to be held by the Township to pay for the cost of the annual inspection and reviewing the report for compliance. The amount to be deposited into the Operations Escrow Account

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shall be established resolution of the Township Board as set forth in Section 18. The Township shall cause a report of the escrow accounting to be made and submitted to Gerken on December 31 of each year for which Gerken submits an annual report. Gerken shall have 30-days after receiving the report to review charges to the escrow account. If any unreasonable charges, withdrawals, or entries are made to the account, Gerken may provide notice to the Township to resolve any disputes.

Exhibit 7

