



Michigan Department of Environmental Quality
Environmental Response Division

THE ATTACHED MODEL DOCUMENT ENTITLED:

NOTICE OF APPROVED ENVIRONMENTAL REMEDIATION

IS A DRAFT DOCUMENT WHICH IS SUBJECT TO REVISION. IT IS PROVIDED TO THE PUBLIC AS PRELIMINARY GUIDANCE AS TO THE CONTENT, FORMAT AND TERMS OF THIS NOTICE. IT IS NOT INTENDED, NOR CAN IT BE RELIED UPON, TO CREATE ANY RIGHTS, SUBSTANTIVE OR PROCEDURAL, BY ANY OTHER PARTY. PLEASE CONTACT THE COMPLIANCE AND ENFORCEMENT SECTION, ENVIRONMENTAL RESPONSE DIVISION, MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, AT 517-373-7818 TO RECEIVE THE MOST RECENT DRAFT OF THIS DOCUMENT.

[**NOTE:** There are recording requirements for instruments filed with Michigan county register of deeds offices. The recording requirements contained in 1996 PA 459, which took effect April 1, 1997, are attached to this model document.]

The Michigan Department of Environmental Quality (MDEQ) will not discriminate against any individual or group on the basis of race, sex, religion, age, national origin, color, marital status, disability or political beliefs. Questions or concerns should be directed to the MDEQ Office of Personnel Services, P.O. Box 30473, Lansing, MI 48909.

[note: drafting notes and optional language appear in bold and italicized text]
[note: each parcel of property addressed by a Remedial Action Plan for a Generic category closure must be restricted by a Notice of Approved Environmental Remediation]

DRAFT 4/27/98
NAER.DOC

[Note: First page must have a 2 1/2 inch top margin]

NOTICE OF APPROVED ENVIRONMENTAL REMEDIATION

MDEQ Reference No.: NAER-ERD-[YR]-[#]

This Notice of Approved Environmental Remediation (Notice) has been recorded with the [County] County Register of Deeds for the purpose of protecting public health, safety and welfare and the environment by describing the land-use category that is consistent with the environmental conditions at the property.

[Insert name of property owner] has received notice of approval from the Michigan Department of Environmental Quality (MDEQ) dated [date], for a Remedial Action Plan (RAP) that includes land use-based cleanup criteria as defined and set forth in Section 20120a(1)(*) of Part 201 of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended, MCL 324.20101 et seq for the environmental remediation associated with the property located in the [City or Township] of _____, County of _____, (the "Property") more particularly described as:

See Attachment A for legal description of Property

[note: If the land or resource-use restrictions apply to less than the entire parcel or if different restrictions apply to different areas of the parcel, a survey which identifies the restricted areas must be included as Attachment B. This Notice should clearly state which restrictions apply to which areas if appropriate to the circumstances and include the following optional sentence.]

See Attachment B for survey of property subject to land-use restrictions

Property Tax ID Number of Property: _____

As used herein, the term "owner" shall mean at any given time the then current title holder of the Property.

Use of the Property described above is restricted to the (***) land-use category as defined in Section 20120a(1) of Part 201 of NREPA, as amended in June 1995, and MDEQ Environmental Response Division Operational Memorandum #14, Revision 2, dated June 6, 1995 or other use that is consistent with the assumptions and basis for the cleanup criteria established pursuant to Section 20120a(1)(*). Cleanup criteria and associated land-use descriptions are located in the Government Documents section of the State of Michigan Library.

See Attachment C for a description of the (***) land-use category. *[Attachment C consists of the appropriate land-use description. This description must be taken verbatim from Operational Memorandum # 14.]*

This Notice shall run with the Property and shall be binding upon all future owners, successors, lessees or assigns and their authorized agents, employees, or persons acting under their direction and control, and shall continue until the MDEQ or its successor approves modifications or rescission of this Notice. A copy of this Notice shall be provided to all future owners, heirs, successors, lessees, assigns and transferees by the person transferring the interest.

* *Insert (b), (c), (d), or (e), as appropriate, corresponding to Commercial, Recreational, Industrial, or other land use, respectively.*

** *Insert the appropriate land-use category: Industrial, Commercial Subcategory II, Commercial Subcategory III, and Commercial Subcategory IV.*

[note: include this optional language when necessary to protect public health, safety, welfare and the environment.]

The Owner also acknowledges that:

[example 1. Surface and subsurface soils found on the Property must be managed in accordance with the requirements of Section 20120c of NREPA and other applicable state and federal laws.]

[example 2. Contaminated groundwater which is migrating under the Property from an off-site source shall not be used for any domestic or industrial purpose.]

[example 3. Areas not contained within the survey are known to contain hazardous substances in excess of the concentrations which satisfy the requirements of Section 20120a(1)(a) or (17) and have not been remediated as of the date of filing of this Notice.

The undersigned person executing this Notice is the Owner, or has the express written permission of the Owner, and represents and certifies that he or she is duly authorized and has been empowered to execute and deliver this Notice.

IN WITNESS WHEREOF, the said Owner of the above-described Property has caused this Notice to be executed on this ____ day of _____, 19__.

[Print or type property owner name and address]

Signed in the presence of:

Witness *[Print or type name]*

Witness *[Print or type name]*

STATE OF MICHIGAN
COUNTY OF *[county where owner signs]*

[note: choose only one of the following acknowledgments]

[If property owner is an individual:]

The foregoing instrument was acknowledged before me this *[date]* by *[name of owner]*, Owner.

[If property owner is a corporation:]

The foregoing instrument was acknowledged before me this *[date]* by *[name of officer or agent, title of officer or agent]* of *[name of corporation/owner]*, a *[state or place of incorporation corporation]*, on behalf of the corporation.

[If property owner is a partnership:]

The foregoing instrument was acknowledged before me this *[date]* by *[name of partnership or agent]*, partner *[or agent]* on behalf of *[name of partnership/owner]*, a partnership.

[For an individual acting as principal by an attorney in fact (power of attorney):]

The foregoing instrument was acknowledged before me this *[date]* by *[name of attorney in fact]* as attorney in fact on behalf of *[name of principal]*.

Notary Public

[Print or type name]

[Commissioned in] County, [State]

My Commission Expires: _____

Prepared by: *[Type name of preparer]*

[Title and address]

Act No. 459
Public Acts of 1996
Approved by the Governor
December 21, 1996
Filed with the Secretary of State
December 26, 1996

STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996

Introduced by Reps. Hammerstrom, McBryde, Hill, Hanley, Goschka, Jellema, Green, Brackenridge, Crissman and Galloway

ENROLLED HOUSE BILL NO. 5858

AN ACT to amend section 1 of Act No. 103 of the Public Acts of 1937, entitled "An act to prescribe certain conditions relative to the execution of instruments entitled to be recorded in the office of the register of deeds," being section 565.201 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 1 of Act. No. 103 of the Public Acts of 1937, being section 565.201 of the Michigan Compiled Laws, is amended to read as follows:

Section 1. (1) An instrument executed after October 29, 1937 by which the title to or any interest in real estate is conveyed, assigned, encumbered, or otherwise disposed of shall not be received for record by the register of deeds of any county of the state unless that instrument complies with each of the following requirements:

(a) The name of each person who executed the instrument is legibly printed, typewritten or stamped upon the instrument immediately beneath the signature of each person and the address of each person is printed, typewritten, or stamped upon the face of the instrument.

(b) A discrepancy does not exist between the name of a person as it appears either in the body of the instrument or in the acknowledgment or jurat, as printed, typewritten or stamped upon the instrument beneath the signature, and in the signature of that person.

(c) The name of each witness to the instrument is legibly printed, typewritten or stamped upon the instrument immediately beneath the signature of the witness.

(d) The name of any notary public whose signature appears upon the instrument is legibly printed, typewritten or stamped upon the instrument immediately beneath the signature of that notary public.

(e) Wherever in this act the name of a person is required to be "printed, typewritten or stamped upon such instrument immediately beneath the signature" of the person, it is the intent of the legislature to require that the signature be written upon the instrument directly preceding the name "printed, typewritten or stamped". That signature shall not, however, be superimposed upon the name so as to render either illegible. However, the instrument is

entitled to be received for record if the name and signature are, in the discretion of the register of deeds, so placed upon the instrument as to render the connection between the two apparent. Any instrument received and recorded by a register of deeds shall be conclusively presumed to comply with this act. The requirements contained in this act are cumulative to the requirements imposed by any other act relating to the recording of instruments.

(f) The address of each of the grantees in each deed of conveyance or assignment of real estate, including the street number address if located within territory where street number addresses are in common use, or, if not, the post office address, is legibly printed, typewritten, or stamped on the instrument.

(g) If the instrument is executed before April 1, 1997, each sheet of the instrument is all of the following:

- (i) Typewritten or printed in type not smaller than 8-point size.
- (ii) Not more than 8-1/2 by 14 inches.
- (iii) Legible.
- (iv) On paper of not less than 13 (17x22—500) pound weight.

(h) If the instrument is executed after April 1, 1997, each sheet of the instrument complies with all of the following requirements:

- (i) Has a margin of unprinted space that is at least 2-1/2 inches at the top of the first page and at least 1/2 inch on all remaining sides of each page.
- (ii) Subject to subsection (3), displays on the first line of print on the first page of the instrument a single statement identifying the recordable event that the instrument evidences.
- (iii) Is electronically, mechanically, or hand printed in 10-point type or the equivalent of 10-point type.
- (iv) Is legibly printed in black ink on white paper that is not less than 20-pound weight.
- (v) Is not less than 8-1/2 inches wide and 11 inches long or more than 8-1/2 inches wide and 14 inches long.
- (vi) Contains no attachment that is less than 8-1/2 inches wide and 11 inches long or more than 8-1/2 inches wide and 14 inches long.

(2) Subsection (1)(g) and (h) do not apply to instruments executed outside this state or to the filing or recording of a plat or other instrument, the size of which is regulated by law.

(3) A register of deeds shall not record an instrument executed after April 1, 1997 if the instrument purports to evidence more than 1 recordable event.

Section 2. This amendatory act shall take effect April 1, 1997.

This act is ordered to take immediate effect.