

ROAD END USE AGREEMENT

NOW COMES Bear Lake Township, whose address is 198 E. Bear Lake Rd NE, Kalkaska, MI 49646, and Darron Farha, who's address is 20 Paisley Green, Valparaiso Indiana, ; Rob Bargy who's address is 486 Sweet Briar Rdg, Linden, MI 48451; Jen and Greg Hurst, who's address is 6237 Denton Hill Rd, Fenton, MI 48430; and Mitch Wagner, who's address is 8642 80th Ave, Zeeland, MI 49464 for (hereinafter referred collectively referred to as "Permittee"), agree to the following terms and conditions:

1. Permittee has been granted a permit by EGLE to dredge a channel between Bear Lake and Eleanor Bay as more specifically referenced in permit number WRP044345 v. 1 (hereinafter referred to as the "Permit").
2. Permittee has requested the ability to utilize the Beach Avenue road end to perform actions incidental to the permit, including the use of heavy machinery and equipment, up to 10,000 lbs, normally prohibited for such use, on the road end, by Bear Lake Township.
3. Bear Lake Township has agreed to allow Permittee to utilize the Beach Avenue road end, as requested by Permittee, provided that Permittee complies with all of the terms and conditions set forth within this agreement.
4. Through Permittee's signature to this agreement, Permittee agrees to abide by all terms and conditions set forth within this Agreement.
5. Permittee shall reimburse Bear Lake Township the sum of \$1,200.00 expended for a soil density test incidental to Permittee's request to use the road end.
6. Permittee shall obtain a performance bond, by its chosen contractor, for all actions under the Permit, in the amount of \$100,000.00 to address any damages to the road end, related waterfront or water as the result of its permitted use under the agreement, which is not repaired or resolved by Permittee within a reasonable period of time.

7. All contractors and agents acting on behalf of Permittee shall carry insurance coverage for liability, property damage, and personal injury and other claims in the amount of \$1,000,000.00 per person and \$2,000,000.00 aggregate, and shall name Bear Lake Township as an additional insured.

8. Permittee agrees to hold harmless and indemnify Bear Lake Township for all losses, damages, cost, and actual attorney fees, incurred by Bear Lake Township, if in any way related to the violation of this agreement, of Permittee, their agents, contractors, and employees as the result of their use of the road end as set forth in this agreement.

9. The Permittee shall create a beach area beginning at the road end and ending north of the road end at the beginning point of the downward slope of the area to be dredged pursuant to the Permit. After the dredging is complete, the Permittee shall repair any damages it caused to the road end, including damages to the utility pole on the road end, regrade the road end to manner substantially similar to its condition prior to the Permittee's use of the road end, and place limestone or other aggregate on the road from the water's edge to the white 4 x 4 at the top of the hill to prevent future erosion.

10. The Permittee's shall be obligated to maintain the dredging/channel in a manner as contemplated upon completion of the requirements set forth within the Permit, and upon their failure to do so, consent to immediate implementation of a Special Assessment District upon their respective properties by Bear Lake Township for the cost of maintaining the dredging/channel.

11. The terms and conditions of this Agreement shall run with the land of all parties signing this Agreement and shall be binding upon their successors and assigns.

12. Provided Permittee, their agents, contractors, and assigns comply with all terms and conditions of this Agreement, Permittee shall be permitted to utilize the Beach Avenue road

end for the balance of the calendar year of 2025 only, but may, if needed, utilize the road end in the spring of 2026 to bring biological logs and plants down to the dredge area. Should that occur, the Permittee must repair any damage caused by this use so that the road end is in a condition substantially similar to the condition it was in prior to this use. If additional use of the Beach Avenue road end is desired by Permittee, their contractors, or assigns, a new use agreement must be obtained by Permittee, their contractors, and assigns, prior to any use of the Beach Avenue road end.

Through their signature to this Agreement, the Permittee also consent to inclusion of their respective properties for the Special Assessment District for Bear Lake. This is an assessment for weed control and other benefits for lakefront property owners currently in an amount of approximately \$30.00 - \$50.00 per year.

n - — //