

**CITY OF THE VILLAGE OF DOUGLAS
COUNTY OF ALLEGAN
STATE OF MICHIGAN**

RESOLUTION NO. 11-2024

**RESOLUTION TO APPROVE THE EXTENSION OF
THE DEADLINE TO RECORD EASEMENT
AGREEMENTS FOR WESTSHORE PUD
INTERNAL TRAILWAYS**

At a regular meeting of the City Council for the City of the Village of Douglas, Michigan, held at the City of the Village of Douglas City Hall, Douglas, Michigan, on the 20th day of May 2024, at 7:00 p.m.

PRESENT:

ABSENT:

The following Resolution was offered by Councilperson _____ and supported by Councilperson _____.

RESOLUTION

WHEREAS, the Westshore Planned Unit Development (“the PUD”), a residential condominium development, was established upon the City Council’s approval of Ordinance No. 03-2012, which, among other things, set forth and outlined BDR’s (“the Developer”) obligation to design, construct, maintain, and record easements related to internal non-motorized trailways (“internal trailways”) included in the development plan for the PUD; and,

WHEREAS, the Council of the City of the Village of Douglas at its Regular Meeting held May 16, 2022, adopted Resolution No. 13-2022, which approved the Renewal of the Approved Final Condominium Project Plan for Westshore Condominiums within the Westshore PUD, which

included a deadline for the permanent public access easement for internal trailways to be recorded no later than May 31, 2024 (the "Extended Compliance Date"); and,

WHEREAS, the Developer has proposed modifications to the internal trailways to the Westshore Condominium Association ("the HOA"), which requires the HOA's input and approval, and the negotiations of the proposed modifications has taken a considerable amount of time to come to an agreement on the location, access, restrictions, maintenance and trailway sections having public or private designation; and,

WHEREAS, the Developer has initiated collaboration between their legal representative and the City attorney to forge an easement agreement concerning said modifications and maintenance responsibilities. Drafts of the easement agreement documents and revised trailway plans are now complete, however, due to the proposed modifications concerning the internal trailways being considered a change to the PUD, it must first be recommended by the Planning Commission for approval by the City Council; and,

WHEREAS, the Planning & Zoning Administrator recommends that the City Council provide an additional extension of the Extended Compliance Date which will permit the recording of the easement documents and updated trailway plans with the Allegan County Register of Deeds, assuming, and occurring after such time as, the Planning Commission recommends, and City Council approves, the above-described modifications to the internal trailways of the Westshore PUD.

NOW, THEREFORE, BE IT FURTHER RESOLVED that:

1. Extension of Conditions Deadline: The deadline for meeting the conditions outlined in Section XI of PUD Ordinance 03-2012 and Section 2 (ii) of the City Council Resolution No. 13-2022, to record the internal railway easement agreement documents and updated railway plans is hereby **extended to July 31, 2024.**

2. Demonstration of Compliance:

- a. BDR or the HOAD shall provide evidence to the satisfaction of the Zoning Administrator and City Attorney demonstrating to the satisfaction of the Zoning Administrator and City Attorney any assignment or reassignment of general and limited common elements, as prescribed by the Condominium Act.
- b. All documentation of said permanent easement agreements and updated internal railway plans shall be recorded with the Allegan County Register of Deeds.
- c. Once recorded, BDR shall promptly deliver copies of the recorded permanent easement agreements and updated internal railway plans, to the City Clerk and City Attorney.

YEAS: Council Members:

NAYS: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

ADOPTED this 20th day May, 2024

CITY OF THE VILLAGE OF DOUGLAS

BY: _____
Cathy North, Mayor

BY: _____
Laura Kasper, City Clerk

CERTIFICATION

I, Laura Kasper, the duly appointed Clerk of the City of the Village of Douglas, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Douglas City Council at a regular meeting held May 20, 2024, in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended, the minutes of the meeting were kept and will be or have been made available as required by said Act.

CITY OF THE VILLAGE OF DOUGLAS

BY: _____
Laura Kasper, City Clerk

Open.20448.43876.33632177-1

Open.20448.43876.33632245-1