

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

**RESOLUTION NO. 14-2025**

**RESOLUTION APPROVING THE AMENDMENT OF THE FINAL  
CONDOMINIUM PLAN FOR THE BOARDWALK AT SWINGBRIDGE,  
A MICHIGAN CONDOMINIUM  
OF THE CITY OF THE VILLAGE OF DOUGLAS,  
ALLEGAN COUNTY, MICHIGAN**

\_\_\_\_\_

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 2<sup>nd</sup> day of June, 2025, at 7:00 p.m.

PRESENT:

ABSENT:

The following Resolution was offered by Councilperson \_\_\_\_\_ and supported by Councilperson \_\_\_\_\_.

**RESOLUTION**

**WHEREAS**, by his entry of a Consent Judgement dated March 4, 2009, in Case No. 08-42855-CZ. entitled “Douglas Lakefront Properties, LLC, Plaintiff, vs. City of the Village of Douglas, et al, Defendants”, the Hon. Kevin W. Cronin, Judge of the Allegan County Circuit Court, ordered and adjudged that the 16-residential unit condominium Site Plan attached as an Exhibit to that Consent Judgement would constitute compliance with the requirements of Article XXIV of the City of the Village of Douglas Zoning Ordinance (excepting only the requirements of Section 24.02(10) and (12) of the Ordinance

regarding the location of utilities and location and design of water supply, stormwater management facilities, wastewater systems, and landscaping for the development of property owned by said Douglas Lakefront Properties, LLC (“Applicant”), within the City of the Village of Douglas; (“City”); and

**WHEREAS**, Applicant caused a Master Deed of The Boardwalk of Swing Bridge, designated Allegan County Condominium Subdivision Plan No. 286 (“Swing Bridge”) to be recorded on November 23, 2011, in Liber 3566, Page, 575, Allegan County Records, in order to submit the Applicant property described in the Consent Judgment to residential condominium development; and

**WHEREAS**, Mr. David Contant, on behalf of BDR, Inc., as the Manager of Applicant, requested the City approve changes (the “Requested Changes”) to the Swing Bridge Site Plan, Master Deed (as it may have been amended, the “Master Deed”) and Condominium Subdivision Plan (Exhibit “B” to the Master Deed, to wit:

- a. Eliminate the internal private-use boardwalk;
- b. Modify required landscaping surrounding the pool area (not approved by Planning Commission);
- c. Expand the width emergency fire lane;
- d. Add a pool house (previously shown as “optional”); and
- e. Modify pool size and shape.

**WHEREAS**, the Requested Changes are not clearly “small changes” as described by the Consent Judgment which may be implemented to the Site Plan without both a written agreement of the parties and an Order of the Allegan County Circuit Court approving the Requested Changes; and

**WHEREAS**, the Requested Changes were presented to the Planning Commission at its regularly scheduled meeting on May 8, 2025; and,

**WHEREAS**, the Planning Commission has forwarded a favorable recommendation, subject to conditions, to the City Council for approval of the Revised Site Plan, finding that the proposed Revised Site Plan satisfies all Standards for Approval outlined in Sections 16.24(7) and 16.24(11) of the City of the Village Douglas Zoning Ordinance; and

**WHEREAS**, the Condo Act requires an amendment of a Master Deed, also required by Section 16.24(12) of the City of the Village of Douglas Zoning Ordinance; and

**WHEREAS**, should the Council approve the Revised Site Plan, the Applicant will be required to (i) demonstrate to the reasonable satisfaction of the City attorney compliance with the applicable Condominium Act and Master Deed requirements for the approval of an amendment to the Master Deed and Condominium Subdivision; (ii) prepare and submit to the City attorney a proposed full or partial Replat of the Condominium Subdivision Plan which, together with the proposed final Amendment to the Master Deed, is consistent with the Revised Site Plan and all approval requirements and conditions of City Ordinances consistent with the Consent Judgment and the Council's approval resolution; (iii) join with the City to obtain from the Allegan County Circuit Court an Order amending the Consent Judgment to authorize the approved Requested Changes and Revised Site Plan; and (iv) record the Amendment to the Master Deed and Replat of the Condominium Subdivision Plan.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

That the Council of the City of Douglas approves the Requested Changes approved by the Planning Commission and the Revised Site Plan for the Boardwalk at Swing Bridge Condominium development,

generally located north of the intersection of Washington Street and Blue Star Highway (PPN: 59-670-000-00/59-016-024-00) in the City of Douglas, Michigan, subject to the following conditions:

- 1) Applicant shall have demonstrated to the reasonable satisfaction of the City attorney that the Applicant has secured any Co-owner and mortgagee approvals, if any, as are required by the Condominium Act or Master Deed for the recording of an Amendment to the Master Deed and Replat of the Condominium Subdivision Plan consistent with the approved Requested Changes and the Revised Site Plan, prior to the joint submission of a proposed Order Amending the Consent Judgment for entry by the Allegan County Circuit Court.
- 2) The City Attorney shall have approved the final Amendment to the Master Deed and Replat of the Condominium Subdivision Plan prior to the joint submission of a proposed Order Amending the Consent Judgment for entry by the Allegan County Circuit Court. authorized in the following paragraph.
- 3) Upon its recording in the office of the Allegan County Register of Deeds, the Applicant, at its expense, may cause the Amendment to the Master Deed and Replat to be recorded in the office of the Allegan County Register of Deeds and shall provide to the City without charge a recorded copy within ten (10) days of its recording. Said amendment shall be recorded prior to the issuance of any zoning permits for the proposed improvements.
- 4) The City Manager is hereby authorized to join with the Applicant in requesting that the Allegan County Circuit Court amend the Consent Judgment entered in

Case No. 08-42855-CZ, to approve the City-approved Requested Changes and Revised Site Plan. Upon entry of such Order, the Applicant at its expense shall cause the Order to be recorded in the office of the Allegan County Register of Deeds and shall provide to the City without charge a recorded copy thereof within ten (10) days of its recording.

- 5) The applicant shall submit revised drawings incorporating the recommendations of the City Engineer.
- 6) Install “No Parking Fire Lane” signs with arrows at the Union Street side of the emergency lane.
- 7) The applicant shall obtain a zoning permit prior to building the pool, pool house, emergency access lane.
- 8) The applicant shall obtain a building permit from MTS before commencing construction.
- 9) The Emergency Access Lane must be constructed in accordance with the site plan (Project No. 2420154, Sheet C-205) and shall be completed subject to the ruling of the court of the consent judgment with a final inspection conducted by the Zoning Administrator and City Engineer.
- 10) Landscaping around the pool shall be constructed in accordance with the original consent judgement site plan and completed subject to the ruling of the court of the consent judgment.
- 11) The culvert shall be installed beneath the emergency access lane to allow water to flow north toward Kalamazoo Lake, in accordance with the City Engineer's

memorandum. The installation shall be completed subject to the ruling of the court of the consent judgment.

12) The Drainage Swale shall be reconstructed along the drainage easement per approved utility site plan (Project No. 06200300, G2.10, dated 10/9/11) and shall be completed subject to the ruling of the court of the consent judgment and to be inspected by the City Engineer.

13) The developer shall enter into a stormwater maintenance agreement for the culvert, and a water and sanitary sewer utility easement agreement, subject to the ruling of the court of the consent judgment.

14) Insofar as in conflict with this Resolution, any prior Council resolutions in conflict with this Resolution are deemed rescinded and revoked by the adoption of this Resolution.

15) Subject to the conditions stated above, this Resolution shall take effect immediately upon City Council approval.

YEAS: Council Members:

NAYS: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

**ADOPTED** this 2<sup>nd</sup> day of June, 2025.

**CITY OF THE VILLAGE OF DOUGLAS**

\_\_\_\_\_  
LAURA KASPER, CITY CLERK

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CATHY NORTH, MAYOR

\_\_\_\_\_  
DATE

**BDR, INC. (DEVELOPER)**

BY: \_\_\_\_\_  
(SIGNATUIRE)

\_\_\_\_\_  
(NAME)

ITS: \_\_\_\_\_  
(TITLE)

**SWINGBRIDGE HOA**

BY: \_\_\_\_\_  
(SIGNATUIRE)

\_\_\_\_\_  
(NAME)

ITS: \_\_\_\_\_  
(TITLE)

**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 on June 2, 2025, 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