

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

**RESOLUTION NO. 17-2024**

**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 15th day of July 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 permanent easements for internal non-motorized trailways (“internal trailways”) proposed by the PUD development plan; and,

**WHEREAS**, the Council of the City of the Village of Douglas (the “City Council”) at its Regular Meeting held May 16, 2022, adopted Resolution No. 13-2022, approving the Renewal of the Approved Final Condominium Project Plan for Westshore Condominiums within the Westshore PUD and requiring the recording of a permanent public access easement for internal trailways by 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”), requiring the City’s and HOA’s input and approval of the location, access, restrictions, maintenance and public or private designation of railway sections, the negotiation of which has taken considerable time; and,

**WHEREAS**, the legal representative of the Developer has collaborated with the City attorney and the HOA to forge permanent easement agreements and revised railway plans; however, as the proposed trailways modifications are considered a change to the PUD, they must first be recommended by the Planning Commission for approval by the City Council; and,

**WHEREAS**, City Council on May 20, 2024, adopted Resolution 11-2024 approving the request to extend the Extended Compliance Date to July 31, 2024; and,

**WHEREAS**, City Council conditionally approved the request to finalize the location of internal pathways on July 01, 2024; and,

**WHEREAS**, the Planning & Zoning Administrator has recommended City Council further extend the Extended Compliance Date to permit compliance with all July 1, 2024, conditions of approval prior to the recording of permanent easement agreements and updated trailway plans.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that:

**1. Further Extension of Extended Compliance Date:** The Extended Compliance Date for the recording of internal trailway easements and updated trailway plans as required by Section XI of PUD Ordinance 03-2012 and Section 2 (ii) of the City Council Resolution No. 13-2022, is hereby further **extended to December 31, 2024.**

**2. Demonstration of Compliance:**

- a. BDR or the HOAD shall provide evidence demonstrating to the satisfaction of the Zoning Administrator and City Attorney any assignment or reassignment of Westshore Condominiums general and limited common elements, as prescribed by the Condominium Act.
- b. All documentation of said permanent easement agreements and updated internal trailway 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 trailway plans, to the City Clerk and City Attorney.
- d. BDR shall cause the PUD to adhere to the standards set forth in **Article 27. Section 27.04 Project Design Standards, number (19), Buffer Zone Along Property Lines.** Natural vegetation, planted or landscaped buffer areas of twenty-five (25) feet in width, are required along all exterior boundaries of the property to be developed as a PUD. Specifically, the northern boundary that abuts the rear yards of the properties that are located along Golfview Drive, need to be addressed and revised to meet this requirement as determined by the Planning and Zoning Administrator.
- e. BDR shall remove all golf course amenities as required by Ordinance 03-2012 prior to or concurrently with the construction of the internal pathways, subject to the agreed upon inventory of items to be removed as determined by the Planning & Zoning Administrator.
- f. BDR shall provide a performance bond in the form of an escrow deposit in the amount determined by the City Engineer equal to the cost to construct the public-private internal pathways, prior to commencing construction of the

internal pathways. The City may work with the applicant to move any remaining escrow monies for the external pathways into a new escrow account for the internal public-private internal pathways if reimbursable funds remain.

- g. Upon City Council approval of the non-motorized public-private internal pathway plans, BDR shall submit construction drawings to the City Engineer for review and approval prior to commencing construction on the internal pathways. Any further changes to the non-motorized internal pathways shall require the same procedures for approval as an amendment to the Westshore PUD.
- h. BDR shall amend the master deed to include the "must be built" finalized locations of the public-private internal pathways, and provide the City with a recorded copy of the master deed amendment, prior to any final inspections of the internal non-motorized public-private pathways.
- i. The non-motorized public-private internal pathways shall not interfere with the future construction of the street that enters from Center Street to connects to the final phase three, referred to as the final west phase.

YEAS: Council Members:

NAYS: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

**ADOPTED** this 15th day July 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 July 15, 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