

**RESOLUTION APPROVING REAL PROPERTY AGREEMENT BETWEEN HOMESTEAD TOWNSHIP AND THE BENZIE COUNTY CENTRAL SCHOOLS**

**RESOLUTION 2021- 090701**

**TOWNSHIP OF HOMESTEAD, BENZIE COUNTY, MICHIGAN**

At a regular meeting of the Township Board of the Township of Homestead, County of Benzie, Michigan, held in said Township on the 7<sup>th</sup> day of September 2021, there were:

Present: Karen Mallon, Clerk, Mike Mead, Trustee, Tia Kurina-Cooley, Supervisor, Pat Delorme, Treasurer

Absent: None

The following resolution was offered by Supervisor Kurina-Cooley and seconded by Mead

Adopted this the 7<sup>th</sup> day of September 2021.

**WHEREAS**, the Benzie County Central Schools, a Michigan general powers school district organized and operating under the provisions of the Revised School Code, MCLA 380.1, *et seq.*, as amended, whose address is 9222 Homestead Road, P.O. Box 240, Benzonia, Michigan 49616 (the "School District") formerly owned approximately 28 acres of real property described as follows:

*The North 1431.87 feet of the West 364.98 feet of the West half of the Southeast quarter North of Highway U.S. 31, Section 9, Town 26 North, Range 14 West.*

*ALSO: The East half of the Northeast quarter of the Southwest quarter, EXCEPT the South 225 feet thereof, Section 9, Town 26 North Range 14 West.*

("Park Property");

**WHEREAS**, the School District transferred ownership of the Park Property to Homestead Township ("Township") via Quit Claim Deed, dated June 14, 1999, and recorded at Liber 355, Page 347 of the Benzie County Register of Deeds ("Quit Claim Deed"), which Quit Claim Deed included a Possibility of Reverter whereby ownership of the Park Property would automatically return to the School District if the Park Property was not used solely for recreational purposes or if the School District determined that it needed the Park Property for school purposes ("Possibility of Reverter");

**WHEREAS**, the School District desires that the Park Property continue to be used for public recreational purposes and that the School District continue to have a legally enforceable right to require such use, but also desires to avoid the cost and expense of ownership upon a triggering of the Possibility of Reverter, including costs associated with maintenance, operations, and insurance;

**WHEREAS**, the School District desires to release the Possibility of Reverter in exchange for the Township providing a covenant running with the land, enforceable at law, that the Park Property may only be used for public recreational purposes;

**WHEREAS**, the School District owns real property to the South of the Park Property on US-31 upon which the former Platte River Elementary School ("Elementary School Property") is located;

**WHEREAS**, the Township owns real property adjacent and to the East of the Elementary School Property ("Township Hall Property"), as well as the Park Property to the North of the Elementary School Property;

**WHEREAS**, the Township desires to use a portion of the Elementary School Property to access the Park Property and for related parking and drainage to benefit both the Park Property and the Township Hall Property, and the District desires to grant an easement for such use, so long as the Township assumes the cost and responsibility for maintaining the easement area, including for purposes of accessing the Park Property for public recreational purposes;

**WHEREAS**, in order to implement the foregoing intentions, a Real Property Agreement (or "Agreement") has been prepared, and is attached as Exhibit 1 to this Resolution, including the attachments to the Agreement, which the Township Board has reviewed and approved;

**WHEREAS**, the attachments to the Agreement include a Release of Reverter to be signed by the School District, a Declaration of Public Recreational Use Restrictive Covenant to be signed by the Township, and an Easement Agreement to be signed by both the School District and the Township, and

**WHEREAS**, the Township Board desires to express its approval of the Real Property Agreement, the Release of Reverter, Declaration of Public Recreational Use Restrictive Covenant and Easement Agreement and to authorize the appropriate Township officers to sign such documents in conjunction with any changes, if any, that may yet be directed by the Township Attorney as necessary.

**NOW THEREFORE BE IT RESOLVED**, that the Township Board approves the Real Property Agreement, Exhibit 1, and the Release of Reverter, Declaration of Public Recreational Use Restrictive Covenant, and Easement Agreement attached within **Exhibit 1**.

**IT IS FURTHER RESOLVED**, that the Township Board hereby authorizes the Township Supervisor to sign the Real Property Agreement and the Easement Agreement on behalf of the Township, and authorizes the Township Supervisor and Township Clerk to sign the Declaration of Public Recreational Use Restrictive Covenant on behalf of the Township, in conjunction with any changes, if any, that may yet be directed by the Township Attorney as necessary.

YEAS: Karen Mallon, Clerk, Mike Mead, Trustee, Tia Kurina-Cooley, Supervisor, Pat Delorme, Treasurer.

NAYS: None

### CERTIFICATION

*I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Township Board of the Township of Homestead, County of Benzie, and State of Michigan, at a meeting held on 2020, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.*



Karen Mallon Township Clerk

09/07/2021

Date