

RESOLUTION APPROVING ROAD VACATION HARPER COURT. - HICKORY COURT

This Resolution was adopted by the Board of Trustees (Township Board) of the Charter Township of Waterford (Township), whose address is 5200 Civic Center Drive, Waterford, Michigan 48329, on October 25, 2021.

RECITALS:

- A. The subject of this Resolution is real property located in Mountain-View Lakes Subdivision Annex No. 1, Waterford Township, County of Oakland, State of Michigan that according to the plat of the subdivision recorded at Liber 14, Page 60 for parcel 13-05-401-001 and Liber 58, Page 38 for Outlot B, Oakland County records, is a portion of the platted public roadway known as Harper Court and as Hickory Court, that is referred to in this Resolution as the "Road", and legally described as follows:

A parcel of land in the Southwest ¼ of Section 5, Town, 3 North, Range 9 East Waterford Township, Oakland County, Michigan, and more particularly described as; Beginning at the center ¼ post of said Section 5; thence 50°- 12' W a distance of 539.05 feet; thence N88° - 51' - 30" W a distance of 30.00 feet to the S.E. corner of Lot No. 1 of Subdivision of Outlot "B" of "Mountain-View Lakes Subdivision Annex No. 1"; thence N0° - 12'E a distance of 539.05 feet to the N.E. corner of Outlot A of "Subdivision of Outlot "B" of "Mountain-View Lake Subdivision Annex No. 1" thence S86° - 51'-30" E a distance of 30.00 feet to the point of beginning.

Sidwell Numbers 13-05-401-001 and 13-05-326-004 except N43 feet of the east 315 taken for highway.

- B. The road was abandoned March 5, 1962. Lotus Elementary School was constructed over the parcel. The school has since been razed and the Waterford School District conveyed the property to Windsong West Builders, LLC on January 11, 2019. The road never physically existed and will be combined and integrated into two parcels in a planned community known as Lotus Landing.
- C. By a Resolution adopted on March 5, 1962, the Board of County Road Commissioners of the County of Oakland absolutely abandoned and discontinued the remaining portions of the Road, with that Resolution recorded with the Oakland County Register of Deeds on Liber 4287, Page 897.
- D. On August 21, 2021, James Merritt of Windsong Builders, L.C, ("Petitioner"), whose address is 5700 Lakeshore Rd, Fort Gratiot, Michigan 48059, submitted a Petition to the Township for vacation of the Road under the Vacation of Subdivision Streets procedure in Article VI of Chapter 15 of the Township Code of Ordinances (Ordinance.) The Petition was signed by the other property owners who have an interest in the vacation request.
- E. On October 12, 2021, the Township Board tentatively determined that the Petition may be granted and scheduled a public hearing on the Petition for October 25, 2021.

- F. On October 25, 2021, after conducting the public hearing on the Petition, the Township Board approved a motion to grant the Petition by adopting this Resolution.
- G. As provided in Sections 15-114 and 15-115 of the Ordinance, in adopting this Resolution the Township Board finds that there are no material questions as to whether the Road is necessary for the promotion or protection of the public health, safety and general welfare, and that there are no reasonable objections presented to the Petition that are not addressed by the conditions and reservations established by the Township Board.

IT IS THEREFORE RESOLVED, that the Township Board grants the Petition and the Road is hereby vacated.

IT IS FURTHER RESOLVED, that as required by Section 15-116(c) of the Ordinance, this Resolution is conditioned on the Petitioners complying with and being solely responsible for satisfying any additional requirements related to the vacation of the Road under the Land Division Act, Public Act No. 288 of 1967, as amended, and on the Petitioners indemnifying and holding the Township harmless from any and all costs and expenses that the Township may be required to incur in connection with such additional requirements.

IT IS FURTHER RESOLVED, that as provided in Section 15-116(b) of the Ordinance, in granting the Petitioners' Petition to vacate the Road, the Township Board is not guaranteeing or warranting, to the Petitioners or any other person, the transfer of ownership of the vacated Road, or that all requirements under the Land Division Act related to this Road vacation will be satisfied upon the Township Clerk recording this Resolution and filing copies of it as provided in Section 15-117 of the Ordinance and the Land Division Act.

IT IS FURTHER RESOLVED that the Township Clerk shall record a certified copy of this Resolution with the Register of Deeds and send a copy to the Director of the State Department of Licensing and Regulatory Affairs within 30 days.

CERTIFICATION

I hereby certify that this Resolution was adopted by the Charter Township of Waterford Board of Trustees at a regular meeting on October 25, 2021, and that on a _____, 2021, I mailed a copy of this Resolution to the Director of the Department of Licensing and Regulatory Affairs at Ottawa Building, 611 W. Ottawa, P.O. Box 30004, Lansing, MI 48909.

Charter Township of Waterford

Date

Kimberly F. Markee, Township Clerk

Drafted by:
Joellen Shortley, Esq.
27555 Executive Ofc Ste 250
Farmington Hills, MI 48333-3040

When recorded return to:
Kim Markee, Clerk
Charter Township of Waterford
5200 Civic Center
Waterford, MI 48329-3773

Recording Fee: \$