

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

RESOLUTION NO. 18-2021

**RESOLUTION IN CONSIDERATION OF
REVISIONS TO APPROVED FINAL CONDOMINIUM PROJECT PLANS -
WESTSHORE CONDOMINIUMS (UNIT 25 & UNIT 26), DOUGLAS, MI**

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 17th day of May 2021, at 7:00 p.m.

PRESENT:

ABSENT:

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

RESOLUTION

WHEREAS, the City of Douglas has received application on behalf of “Owner(s)” Wayne Titus and Lisa Titus, and “Developer” Richard Dyk, Douglas Property Development, LLC, as “Co-Applicants,” for Zoning Review Application and Site Plan Review, 612 Artisan Row Court (Unit 25), located in Douglas, Michigan, for Revision of Approved Final Condominium Project Plan (Westshore Condominium), for the alteration of the coordinates (“reorientation”) of Unit 25 and Unit 26 with no change in unit dimensions or area;

WHEREAS, the Douglas Planning Commission performed Site Plan Review for 612 Artisan Row Court (Unit 25), finding the application in compliance

with Article 24 of the City of the Village of Douglas Zoning Ordinance -approving the Site Plan Review conditional to City Council approval of the Revision of Approved Final Condominium Project Plan;

WHEREAS, the standards of the proposed Revision of Approved Final Condominium Project Plan and reorientation of Unit 25 and Unit 26 have been reviewed by the Planning and Zoning Administrator and Planning Commission for compliance with Section 16.24 of the Zoning Ordinance, and all provisions therein, with a written statement of recommendations regarding the proposed condominium project, including any suggested or required changes in the plan for Approval by City Council with conditions;

WHEREAS, the Planning and Zoning Administrator, City Engineer, City Attorney, and Allegan County Environmental Health and Drain Officers have considered the proposed Revision of Approved Final Condominium Project Plan and Site Plan Review for compliance with all City and County ordinances, and the Michigan Condominium Act, with specific written recommendations for Conditional Approval by City Council;

WHEREAS, all provisions and/or conditions of the approved Revisions to Approved Final Condominium Project Plan shall be incorporated by reference into the Master Deed for Westshore Condominium (“Condominium Project”) -recording the amended Master Deed and Subdivision Plan (“Replat No. 4”), reflecting any required changes in the plan as assigned by City Council, with the Allegan County Register of Deeds within 10 days after certification, with copy provided to the City within 10 days thereafter; and,

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves the Revision of Approved Final Condominium Project Plan, reflect ONLY changes to the Westshore Condominiums consistent with the Unit 25/26 (Titus/Douglas Property Development, LLC “reorientation”) Owner/Developer Co-Application, to be evidenced by a Westshore Condominiums Fourth Amendment to Master Deed -with incorporation of this Council approval, and 4th Replat to the Condominium Subdivision Plan to be recorded by the Allegan County Register of Deeds, expressly reserving all rights and remedies it may have with respect to any non-compliance and unauthorized changes to the original approved PUD Final Submittal and PUD Ordinance 03-2012; and,

BE IT FURTHER RESOLVED, upon certification of this Resolution, this approval shall be subject to conditions and terms as assigned to the Developer:

1. Demonstrate to the satisfaction of the Zoning Administrator and City Attorney as was required by Section V, Part E of PUD Ordinance 03-2012, recorded against all land within the approved PUD, by the Allegan County Register of Deeds:
 - (i) within thirty (30) days cause PUD Ordinance 03-2012 to be so recorded, and;
 - (ii) EITHER (A) within thirty (30) days that no remedial action is necessary to bind the Westshore Condominiums Association and prior Unit purchasers to the requirements of Ordinance 03-2012, OR (B) within one hundred twenty (120) days after Application approval propose and implement remedial action that will cause the said Association and Unit purchasers to be so

bound;

2. Deliver to the City Clerk within sixty (60) days copies of recorded permanent public access and conservation easements for interior paths/sidewalks/trailways that demonstrate to the Zoning Administrator and City Attorney reasonable satisfaction of the requirements of Section XI, PUD Ordinance 03-2012;
3. Provide to the City within thirty (30) days evidence that a first annual meeting of the Westshore Condominiums Association HAS OCCURED at which unit owners not affiliated with the Developer have been permitted to nominate and elect a number of members of its board of directors as provided in the Condominium Act;
4. Complete by no later than October 31, 2021, construction of the Ferry Street and repair/restoration of the Center Street pedestrian pathways in accordance with plans approved by the Zoning Administrator as conforming with PUD Ordinance 03-2012, the Final PUD Submittal, and MDOT 2012 Standards Specifications for Construction;
5. Complete within one (1) year construction of the interior pathways within the PUD to meet MDOT 2012 Standards Specifications for Construction;
6. Complete within one (1) year demolition and removal of former golf course features not contemplated by the approved PUD site plan, including bridges, culverts, outbuildings and cart paths -retaining all existing (deciduous and evergreen) specimen trees, wetland areas, and tree lines as demonstrated by the Natural Features Inventory

Map (C-106, Project No. 1120074 Westshore Golf Redevelopment PUD, Final PUD Submittal);

7. Furnish within ten (10) days after the Developer is notified by the Zoning Administrator of the required amount, as determined by the City Engineer, a performance guaranty in the amount of Five-Hundred Thousand Dollars and Zero Cents (\$500,000.00) -as determined by the City Engineer, as security for the timely performance of items 4.), 5.) and 6.), in each case as permitted by PUD Ordinance 03-2012 and the PUD Final Submittal;
8. Any future application by the Developer requesting that the Council amend PUD Ordinance 03-2012, the PUD Final Submittal and/or the site plan of Westshore Condominiums, and/or seeking approval of a proposed site plan with respect to the “Future Development Area”, as described in the recorded Third Amendment to Master Deed and 3rd Replat of the Condominium Subdivision Plan of Westshore Condominiums, or any portion thereof, shall:
 - (i) demonstrate compliance with this Resolution and all conditions herein;
 - (ii) demonstrate continuing compliance with the Planning Commission’s April 14, 2021, recommendations for approval of this Application, insofar as applicable;
 - (iii) in the case of any future application for development of the Future Development Area, demonstrate that the open space requirements for the Project contemplated by PUD Ordinance 03-2012, the PUD Final Submittal and the

approved PUD site plan are being addressed, including, without limitation, with respect to open space to be located within the Westshore Condominiums or made available by right to persons interested therein;

(iv) in the case of any application relating to the Future Development Area, in whole or in part, propose the terms of an amendment or replacement, as applicable, of PUD Ordinance 03-2012 and the PUD Final Submittal; and,

BE IT FURTHERMORE RESOLVED, that all resolutions and parts of resolutions insofar as they may conflict with the provisions of this Resolution be and the same hereby are rescinded, and that this Resolution shall NOT constitute a determination by the City that the Project is in compliance with the requirements of PUD Ordinance 03-2012, the PUD Final Submittal and applicable provisions of the City Zoning Ordinance, nor shall it be considered approval or ratification by City Council of any prior changes to the Westshore Condominiums Condominium Documents or approved site plan, including, without limitation, to the First, Second and Third Amendments to the Master Deed, and the 1st, 2nd and 3rd Replats of the Condominium Subdivision Plan.

YEAS: Council Members:

NAYS: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

ADOPTED this 17th day of May 2021.

CITY OF THE VILLAGE OF DOUGLAS

BY: _____
Patricia Lion, Mayor

BY: _____
Pamela Aalderink, CMC, City Clerk

CERTIFICATION

I, Pamela Aalderink, 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 17, 2021, 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: _____
Pamela Aalderink, CMC, City Clerk