

## RESOLUTION APPROVING ROAD VACATION

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 February 25, 2019.

### RECITALS:

- A. The subject of this Resolution is real property located in Cass Lake Highlands subdivision in the Township of Waterford, County of Oakland, State of Michigan, that according to the plat of that subdivision recorded at Liber 12, Pages 4 and 4A of plats, Oakland County records, is a portion of the platted public roadway known as Cottage Grove Road, that is referred to in this Resolution as the "Road", and legally described as follows:
- Beginning at the most Southerly corner of Lot 132, thence South 05°24'-08" West 94.7 feet, to the most Easterly corner of Lot 152, thence North 43°08'00" West 248.2 feet to the most Northerly corner of Lot 152, thence on a straight line to the Northwest corner of Lot 132, thence along the Southwest property line of Lot 132 to the point of beginning.
- B. By a Resolution adopted on December 30, 1992, the Board of County Road Commissioners of the County of Oakland absolutely abandoned and discontinued a portion of the Road adjoining Lot 132 subject to easements for sanitary sewers, water mains, road drainage, and public utility purposes, with that Resolution recorded with the Oakland County Register of Deeds at Liber 13312, Pages 618 and 619, and at Liber 15997, Pages 609 and 610.
- C. By a Resolution adopted on September 20, 1995, the Board of County Road Commissioners of the County of Oakland absolutely abandoned and discontinued the remaining portions of the Road subject to an easement for road drainage purposes, with that Resolution recorded with the Oakland County Register of Deeds at Liber 15997, Pages 607 and 608.
- D. On January 11, 2019, Frank Vago and Eleonora Vago ("Petitioners"), the owners of Lots 132 and 152, whose address is 1370 Farmridge, Waterford, Michigan 48328, 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.)
- E. On January 28, 2019, the Township Board tentatively determined that the Association's Petition may be granted and scheduled a public hearing on the Petition for February 25, 2019.
- F. On February 25, 2019, 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 subject to the easement for road drainage purposes under the Resolution adopted on September 20, 1995, the Board of County Road Commissioners of the County of Oakland.

**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 street 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 (previously named the Department of Energy, Labor and Economic Growth) 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 February 25, 2019, and that on \_\_\_\_\_, 2019, I mailed a copy of this Resolution to the Director of the Department of Licensing and Regulatory Affairs (named the Department of Energy, Labor, and Economic Growth prior to Executive Reorganization Order No. 2011-4, MCL 445.2030, effective April 25, 2011), at Ottawa Building, 611 W. Ottawa, P.O. Box 30004, Lansing, MI 48909.

Charter Township of Waterford

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Date

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Kimberly F. Markee, Township Clerk