

CRYSTAL TOWNSHIP BOARD MEETING

October 12, 2022 7 pm

Crystal Community Center

The meeting was called to order by Supervisor C McCracken at 7:00 p.m. followed by the Pledge of Allegiance.

MEMBERS PRESENT: C McCracken, P Baker-Marek, N Mills, S Daily, A Little

PUBLIC COMMENT

Approval of Agenda and accept the Consent Agenda: Motion by Mills, seconded by Baker-Marek to approve the agenda and the Consent Agenda Motion carried: ayes-all.

Approval of the Consent Agenda: Motion by Baker-Marek, seconded by Little to approve the Consent Agenda adding item f. to New Business: Roof. Motion carried: ayes-all.

REPORTS:

- a. Montcalm Co Buzz: the county has allocated all of the ARPA funds.
- b. Fire Report: reviewed report
- c. DPW: Starting leaf pick up in a couple weeks
- d. Duck Lake Improvement: Annual assessment is \$20,000 for this year.
- e. Downtown Development Authority: Revitalization Grant Program being simplified. Thanks to D Schneider for her service to the DDA.
- f. Montcalm Police Report: reviewed report.

CORRESPONDENCE:

- a. Household Hazardous Waste-Oct 27
- b. Montcalm MTA-Oct 18
- c. EGLE: 604 N Shore Dr
- d. CLA-Weed Study
- e. Crystal Community Library Report

UNFINISHED BUSINESS:

- a. American Rescue Plan:
- b. 355 N Shore:

CRYSTAL TOWNSHIP  
MONTCALM COUNTY, MICHIGAN  
Resolution No. 2022-16

At a Regular meeting of the Township Board for Crystal Township held at the Township offices on October 12, 2022 at 7:00 p.m., Township Board Member Baker-Marek made a motion to adopt this Resolution, which motion was seconded by Township Board Member Mills:

A RESOLUTION TO SELL THE ENCUMBERED TOWNSHIP LOT ON CRYSTAL LAKE COMMONLY KNOWN AS 355 NORTH SHORE DRIVE AND ALSO AS PERMANENT PARCEL NO. 005-561-018-00 TO CERTAIN OF THE BENEFICIARIES OF A DEDICATION/EASEMENT OVER THAT PROPERTY.

RECITALS

- A. The lakefront property at issue is commonly known as 355 North Shore Drive and also as Permanent Parcel No. 005-561-018-00, and is legally described as follows:

That part of Lot 3, Block 11, Supervisor's Plat, Township of Crystal, lying between the westerly extensions of the North and South line of Goodwin Street (a street in Peterman's Subdivision), all in Crystal Township, Montcalm County, Michigan.

(the "Township Lot").

- B. The Township Lot has frontage on Crystal Lake and is relatively small in size. It appears to have approximately 33 feet of frontage on Crystal Lake. Furthermore, the Township Lot is likely subject to an easement for public sanitary sewer purposes, including the lift station.
- C. It is also likely that the Township Lot is subject to a permanent dedication/easement for the benefit of all of the lot owners within the Peterman's Subdivision Plat (the "Plat") located across the street and that such easement/dedication language is as follows:

"Together, with all beach privileges of that part of Lot number Three (3); Block number eleven (11) of Supervisor's Plat above mentioned"

- D. Via a quitclaim deed dated in 1989, the Eldreds purported to transfer title for the Township Lot to the Township.
- E. Given the small size of the Township Lot and all of the encumbrances thereon, the Township has determined that the fair market value of the encumbered Township Lot is approximately \$15,000. Even though the Township had a professional appraisal done recently on the Township Lot, the Township believes that the fair market value of the encumbered Township Lot is closer to \$15,000 than \$25,000. Even the professional appraiser himself indicated that it was a difficult property to appraise given its small size and many apparently permanent encumbrances.
- F. It is also possible that some of the lot owners in the Plat who have utilized the Township Lot for many decades (including their predecessors-in-title) may have permanent prescriptive easement rights on and to the Township Lot for dockage and boats.
- G. Given all of the problems associated with the Township Lot and the permanent encumbrances thereon, the Township Board finds that it would not serve a public purpose or the best interests of the Township (as well as its residents, property owners and visitors) for the Township to retain what appears to be limited and encumbered title to the Township Lot.
- H. The Township Board finds that the sale and transfer of the Township Lot to the owners of certain lots within the Plat is in the best interest of the public and the Township.

RESOLUTION

BE IT RESOLVED as follows:

1. The Township determines that it is in the best interest of the Township (as well as its residents, property owners and visitors) to sell and transfer title to the Township Lot to one or more of the lot owners within the Plat.
2. To transfer or sell title to the Township Lot to any person, firm or entity other than one or more of the lot owners within the Plat would further fracture title and usage rights in and to the Township Lot and would likely promote conflict and divisiveness between such third-party purchaser or transferee of the limited title available to the Township Lot and the users of the Township Lot who are lot owners within the Plat.
3. Before closing on a sale and transfer of title to the Township Lot to one or more of the owners of lots within the Plat, the Township shall mail a copy of this Resolution together with a notice to all of the owners of all of the lots within the Plat as shown in the most recent property tax roll for Crystal Township.
4. The sale price for the Township lot shall be \$15,000, which the Township Board finds is the fair market value of the Township Lot. Other than providing a quitclaim deed at closing, the Township shall not pay any further or other closing costs.
5. The quitclaim deed for the sale or transfer of the Township Lot shall reserve a permanent easement for the sanitary sewer line, lift station, etc. and will also contain, at a minimum, the following permanent deed restrictions/restrictive covenants:
  - a. No more than 1 dock, which can be no more than 4-feet wide and 80-feet long from the shore. Furthermore, all docks (and appurtenances) shall be fully removed from the lake from November 1 through the following April 15. Store docks off site in the winter.

- b. No more than 6 boats or watercraft in total (including on the shore, bottomlands and dryland).
  - c. No commercial, industrial or business uses.
  - d. Shall comply with all state laws and Township ordinance requirements.
  - e. No trespassing.
  - f. Must keep in good condition at all times.
  - g. Use at own risk.
  - h. Include a minimum insurance requirement.
6. The Township Board finds that the proposed sale transaction specified and authorized by this Resolution will be fair, reasonable and for a public purpose.
  7. Any motion or Resolution of the Crystal Township Board prior hereto that conflicts with this Resolution is hereby declared to be invalid to the extent of any such conflict.
  8. This Resolution shall become effective upon the expiration of five (5) days after the enactment of this Resolution.

The vote to adopt this Resolution was as follows:  
YAYS: Daily, Mills, McCracken, Baker-Marek, Little  
NAYS: NONE  
ABSENT/ABSTAIN: NONE  
RESOLUTION DECLARED ADOPTED.

### NEW BUSINESS:

- a. Ordinance 24/25
  - a. Consumption Lounge: Motion by McCracken, seconded by Little to not approve a revision to Ordinances to allow Consumption Lounge within the township. Motion carried: ayes-all.
  - b. Residence on Dispensary Property: Motion by Mills, seconded by Daily to not approve a revision to Ordinances to allow a Residence on the Dispensary property. Motion carried: ayes-all.
- b. Sewer Expansion: schedule a Townhall Meeting to discuss potential Sewer Expansion.
- c. 2023 Sewer Truck: Motion by Baker-Marek, seconded by Little to approve purchase of a 2023 Ford 250 in the amount of \$56,075. Motion carried: ayes-all.
- d. DPW Truck Tires: Motion by Mills, seconded by Daily to approve purchase of 2 new tires from Track Side auto for DPW truck. Motion carried: ayes-all.
- e. Trick or Treat Hours: Motion by Mills, seconded by Baker-Marek to set Trick or Treat Hours to 5-7 on October 31. Motion carried: ayes-all.
- f. Community Center Roof: contact Garland to schedule annual inspection.

### PUBLIC COMMENT

Motion by Mills, seconded by Baker-Marek to adjourn at 7:45. Motion carried, ayes-all.