

Proposed By Law - Rail Corridor Preservation (2024)

RAIL CORRIDOR PRESERVATION ###. The Rail Corridor in Bay View was transferred to the Bay View Association by deed in 1983 ("Deed"). The Rail Corridor consists of natural areas, green spaces, shoreline, and improved areas along the path that was previously encumbered by railroad tracks, ties and track bed. The legal description of the Rail Corridor and property subject to this By Law is described in the Deed as follows:

ALL THAT PROPERTY located at Bayview and situate partly in the City of Petoskey and partly in the Township of Bear Creek, County of Emmet and State of Michigan, being parts of Sections 33 and 32, Township 35 north, Range 5 west, and being all the right, title and interest of the Pan Central Corporation in and to all those certain pieces or parcels of land and premises, easements, rights of way and other rights of any kind whatsoever appurtenant thereto or used in conjunction therewith on and along a portion of railroad known as the GR & I branch, said portion being described as follows:

Beginning at the easterly line of Division Street (66 feet wide) as it extends across said GR & I branch, in said Township of Bear Creek;

Thence extending in a southwesterly direction, along said GR & I branch, approximately 4,940 feet to the prolongation eastwardly, across said branch, of the southerly right-of-way line of Rosedale Street (formerly Lake Street), 50 feet wide, the place of ending, said place of ending being in said city of Petoskey. ("Rail Corridor")

The Rail Corridor shall be preserved in its natural state exclusively as a place for meditation, the study of nature and recreational activities by Bay View members and guests. Except as set forth in this By-Law ###, such area shall not:

- a. be subdivided or divided;
- b. other than stairways, markers, buildings, parking areas and necessary erosion controls existing on June 1, 2024, no other building, structure or improvement, including paving or laying of asphalt, shall be made on or about the Railroad Corridor except as necessary to preserve the Rail Corridor in accordance with this By-Law ###;
- c. not be mined or excavated, except as necessary to permit the maintenance and access for the stated use of the Bay View Bluff including operations of the Bay View Association and recreational activities, tennis courts, parking areas, Memorial Garden, waterfront activities, boat storage etc.
- d. notwithstanding underground utility easements or shoreline protection easements that may be required in the future, no easements not previously recorded shall be granted to any individual, group or governmental organization for purposes of traversing, accessing, ingress or egress along the Rail Corridor nor be subjected to any

other use or activity which is inconsistent with the purposes of preservation set forth in this By-Law ###.

e. Notwithstanding the foregoing, this By Law ### shall not interfere with or hinder any internal operations of the Bay View Association.