

CHARTER TOWNSHIP OF YPSILANTI
MINUTES OF THE JANUARY 17, 2023 REGULAR BOARD MEETING

Supervisor Brenda Stumbo called the meeting to order at approximately 7:00pm in the Ypsilanti Township Civic Center Board Room, 7200 S. Huron River Drive, Ypsilanti Township. The Pledge of Allegiance was recited followed by a moment of silent prayer.

Members Present: Supervisor Brenda Stumbo, Clerk Heather Jarrell Roe and Treasurer Stan Eldridge
Trustees: Gloria Peterson, John Newman II, and Debbie Swanson

Members Absent: None

Legal Counsel: Wm. Douglas Winters

3. PUBLIC HEARING

- A. REQUEST FROM LORRIE THOMAS FOR A PRIVATE ROAD VARIANCE FOR THE PROPERTY LOCATED AT 5521 BON TERRE
(PUBLIC HEARING SET AT THE DECEMBER 20, 2022 REGULAR MEETING)

Supervisor Stumbo opened the public hearing at 7:01pm.

Laurie Thomas read a letter she had written into the record (see attached). She asked that her letter be considered her written request to withdraw her variance request from the private road ordinance.

Colin Boyd asked if the variance request was to not pave the road or make any other improvements. Clerk Jarrell Roe stated that her understanding of the variance request from Ms. Thomas was to not have to pave the road. Mr. Boyd asked how the variance request could affect the area parcels in the future. Attorney Doug Winters responded that he could not answer the question at this time since the variance request had been withdrawn.

Danielle Desano-Smith stated that she is very concerned with the road and what more activity might do to it. She added that several times police or fire have had difficulty getting down the road.

Joshua Cowan stated that the private road ordinance was adopted after the splits of the parcels were already made and registered with the county and the rights of the landowners are not being honored.

Clerk Jarrell Roe read three comments into the record. There were two phone calls from Kalyn Sterzik and Linda Hurd and one email from Alan Guest (see attached).

Supervisor Stumbo closed the public hearing at 7:16pm

4. PUBLIC COMMENTS

Nine public comments were given.

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5. CONSENT AGENDA

A. MINUTES OF THE DECEMBER 20, 2022 WORK SESSION, CLOSED SESSION AND REGULAR MEETING

B. STATEMENTS AND CHECKS

- 1. STATEMENTS AND CHECKS FOR JANUARY 17, 2023 IN THE AMOUNT OF \$1,397,027.48**
- 2. CLARITY HEALTHCARE DEDUCTIBLE ACH FOR DECEMBER 2022 IN THE AMOUNT OF \$33,724.55**
- 3. CLARITY HEALTHCARE ADMIN FEE FOR DECEMBER 2022 IN THE AMOUNT OF \$1,350.71**

A motion was made by Clerk Jarrell Roe and seconded by Trustee Peterson to approve the consent agenda.

The motion passed unanimously.

ATTORNEY REPORT

A. GENERAL LEGAL UPDATE

Attorney Winters detailed the history of Gault Village and gave a current status update on the property.

OLD BUSINESS

- 1. 2nd READING OF RESOLUTION 2022-23, ORDINANCE 2022-502, AN ORDINANCE AMENDING ORDINANCE 74, BEING PARCEL ID K-11-32—200-055, FROM ITS CURRENT R-2 (ONE FAMILY RESIDENTIAL) DISTRICT ZONING CLASSIFICATION TO R-2 (ONE FAMILY RESIDENTIAL) DISTRICT ZONING CLASSIFICATION WITH AN AGRICULTURAL OVERLAY (FIRST READING HELD AT THE DECEMBER 6, 2022 REGULAR MEETING)**

Clerk Jarrell Roe read the resolution into the record.

A motion was made by Clerk Jarrell Roe and seconded by Trustee Swanson to approve the 2nd reading of Resolution 2022-23, Ordinance 2022-502, an ordinance amending Ordinance 74., being parcel ID K-11-32-200-055, from its current R-2 (one family residential) District Zoning Classification to R-2 (one family residential) District Zoning Class with an agricultural overlay (see attached).

Supervisor Stumbo stated this will be a roll call vote since this a change to an ordinance.

Stumbo - Yes

Newman - Yes

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Jarrell Roe - Yes
Eldridge - Yes

Peterson - Yes
Swanson - Yes

The motion passed unanimously.

NEW BUSINESS

1. REQUEST TO APPOINT RYAN HUNTER TO THE VACANCY FOR TOWNSHIP TRUSTEE WITH THE TERM ENDING NOVEMBER 20, 2024

Clerk Jarrell Roe read Supervisor Stumbo's recommendation into the record (see attached).

A motion was made by Clerk Jarrell Roe and seconded by Trustee Swanson to appoint Ryan Hunter to the vacancy for Township Trustee with the term ending November 20, 2024.

Treasurer Eldridge stated that he would be voting no on this item. He added that he had no issue with Mr. Hunter, but felt the process should have been more inclusive and allowed all the candidates to speak on their behalf.

Multiple audience members spoke and stated that they would like to have seen the process of choosing a candidate handled in a different format.

Stumbo - Yes
Jarrell Roe - Yes
Eldridge - No

Newman - Yes
Peterson - Yes
Swanson - Yes

The motion passed.

2. REQUEST TO APPROVE UIS AS A SINGLE SOURCE PROVIDER FOR PHASE 2 OF THE SLUICE GATES UPGRADE AT THE HYDRO STATION IN THE AMOUNT OF \$26,995.00 BUDGETED IN LINE ITEM #252-252-000-930-001

A motion was made by Clerk Jarrell Roe and seconded by Treasurer Eldridge to approve UIS as a single source provider for phase 2 of the sluice gates upgrade at the Hydro Station in the amount of \$26,995.00 budgeted in line item #252-252-000-930-001.

There was no discussion.

The motion carried unanimously.

3. RESOLUTION 2023-01, OWNERS DAM SAFETY

Clerk Jarrell Roe read the resolution into the record.

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A motion was made by Clerk Jarrell Roe and seconded by Treasurer Eldridge to approve Resolution 2023-01, Owners Dam Safety (see attached).

There was no discussion.

The motion carried unanimously.

4. REQUEST TO APPROVE THE AMENDMENT TO THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES TRUST FUND AGREEMENT FOR LOON FEATHER PARK

A motion was made by Clerk Jarrell Roe and seconded by Trustee Peterson to approve the amendment to the Michigan Department of Natural Resources Trust Fund Agreement for Loon Feather Park (see attached).

There was no discussion.

The motion carried unanimously.

5. REQUEST TO APPROVE MEETING DATES FOR THE BOARD OF REVIEW

A motion was made by Clerk Jarrell Roe and seconded by Trustee Peterson to approve the meeting dates for the Board of Review.

Supervisor Stumbo stated the date to appeal your taxes is March 7 and then public hearings will be held on March 13, 14 and 15.

The motion carried unanimously.

AUTHORIZATIONS AND BIDS

1. REQUEST TO AWARD THE BID AND APPROVE THE CONTRACT WITH BECKETT & RAEDER FOR THE PARKS AND RECREATION FIVE YEAR MASTER PLAN PROJECT IN THE AMOUNT OF \$33,000.00 BUDGETED IN LINE ITEM #213-753-801-000

A motion was made by Clerk Jarrell Roe and seconded by Trustee Peterson award the bid and approve the contract with Beckett & Raeder for the Parks and Recreation Five Year Master Plan Project in the amount of \$33,000.00 budgeted in line item #213-753-801-000.

Clerk Jarrell Roe stated that she was on the committee that interviewed for this project and that Beckett and Raeder were the unanimous choice for recommendation. She added that Beckett & Raeder had provided a statistically significant survey and shared examples of how they have worked with other communities in the past.

The motion carried unanimously.

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BOARD MEMBER UPDATES

Supervisor Stumbo stated that she had met with Johnny Lawrence and his concert series would return this year.

Trustee Peterson stated that she had attended the Eastern MLK Day luncheon with other board members. She added that the luncheon was very successful.

A motion to adjourn was made by Treasurer Eldridge and seconded by Clerk Jarrell Roe.

Motion carried unanimously.

The meeting was adjourned at approximately 8:15pm.

Respectfully Submitted,



**Brenda L. Stumbo, Supervisor
Charter Township of Ypsilanti**



**Heather Jarrell Roe, Clerk
Charter Township of Ypsilanti**

January 17, 2023

Lorrie L. Thomas, J.D.
 1587 S. Congress St.
 Apartment 36
 Ypsilanti Township, MI 48197
 (810) 333-5754

Township Board
 Charter Township of Ypsilanti
 7200 S. Huron River Dr.
 Ypsilanti, Mi 48197

**Re: Article II, Private Road Ordinance No. 97-174
 Variance Request Withdrawn with Discussion**
 (1) K-11-30-100-033 5473 Bon Terre Drive, James Dirkes II
 (2) K-11-30-100-035 5505 Bon Terre Drive, Joshua W. Keown, previous owner,
 Lorrie L. Thomas, original owner Thomas and Susan Hungerford
 (3) K-11-30-100-036 5521 Bon Terre Drive, Lorrie L. Thomas,
 original owner Edward Yoskovich.
 (4) K-11-30-100-037 5537 Bon Terre Drive, Alan and Amy Guest

Dear Township Board,

Article II, Private Road Ordinance No. 97-174, Sec. 47-29 - Private Road Design Standards outlines the requirements and specifications for private roads in the Township.

It has been proposed by the Township that the private road Bon Terre Drive in Ypsilanti Township does not meet the requirements of the Private Road ordinance No. 97-174, specifically Sec. 47-29, Private Road Design Standards. The Private Road Design Standards Sec. 47-29(q), outlines the requirements for all private roads serving: (1) 4 lots or less and (2) 5 lots or more with 1 acre or greater or lots less than 1 acre.

The ten (10) parcels on Bon Terre Drive are:

- (1) K-11-30-100-026 5538 Bon Terre Drive, Cousino, Ken and Patricia
- (2) K-11-30-100-031 5600 Bon Terre Drive, Kargul, John and Carol
- (3) K-11-30-100-033 5473 Bon Terre Drive, Dirkes II, James
- (4) K-11-30-100-034 5489 Bon Terre Drive, Smith, James and Danielle,
 original owner Yezbick, Gary and Denise
- (5) K-11-30-100-035 5505 Bon Terre Drive, Joshua W. Keown, previous owner, Lorrie L.
 Thomas, original owner Thomas and Susan Hungerford
- (6) K-11-30-100-036 5521 Bon Terre Drive, Lorrie L. Thomas,
 original owner Edward Yoskovich.
- (7) K-11-30-100-037 5537 Bon Terre Drive, Guest, Alan and Amy
- (8) K-11-30-100-038 5667 Bon Terre Drive, Caldwell, Eduardo and Rebecca,

original owner Bradley Cousino.

(9) K-11-30-100-029 5669 Bon Terre Drive, Lynch, John and Lisa

(10)K-11-30-100-032 5658 Bon Terre Drive Boyd, Collin and Katherine

There are 10 total parcels on Bon Terre Drive, all greater than 1 acre, thus the Township has stated that the Private Road ordinance No. 97-174, Sec. 47-29 (q) Private Road Design Standards for 5 lots of more with 1 acre or greater applies to Bon Terre Drive, as it is a private road serving 5 lots or more. Which would mean that all 10 parcels/lots would have been required to bring the road, Bon Terre Drive, up to the minimum standards set-forth by the Township, or obtain variances under Sec. 47-33, before building permits could be issued.

Of these 10 parcels, 6 had homes built on them. The remaining 4 parcels are vacant.

Unfortunately, the Township did not enforce the requirements of No. 97-174, Sec. 47-29 (q) Private Road Design Standards for 5 lots of more with 1 acre or greater to all 10 parcel owners, but allowed some of the parcel owners to obtain building permits without bringing the private road, Bon Terre Drive, up to the minimum standards set-forth by the Township, or obtaining a variance. It appears from looking at historical records, that this issue was first brought to the attention of the Township in 1988 as a land division issue. It is also worth noting that the original plot plan for *all* 10 parcels is on record at the Environmental Health Office, dated 1988.

Due to the Township allowing, in error, *any* homes to be built, on Bon Terre, before the road met the minimum standards set-forth by the Township for Private roads for 5 lots of more with 1 acre or greater, and for letting some homes to be built without variances and allowing others to receive variances, and still others be denied, has resulted in a great injustice and great economic harm to the remaining parcel owners with vacant land. If the Township would have upheld the ordinance at that time, the cost of bringing the road up to the minimum standards would have been borne by all ten parcel owners, and they all could have built homes and benefited for the last thirty-five (35) years during which time the parcels have been in existence, as opposed to the Township arbitrarily and capriciously allowing some to build and not others. I would like to emphasize that these vacant parcels were held by the original land owners for over 30 years; the land owners waiting for Township approval to build, and having been made to pay R-1 Residential property taxes for 35 years. This has resulted in over 35 years of lost equity, and enjoyment for these land owners.

Please note, that of the 10 parcels where 6 were allowed to build, at least two were allowed to build AFTER others had already received a denial for a variance, with the Township citing Private Road Ordinance No. 97-174. The last home built on Bon Terre Drive was in **2014-2015**, K-11-30-100-038 5667 Bon Terre Drive, Caldwell, Eduardo and Rebecca, original owner Bradley Cousino, which was part of the original Split 2 outlined below, and sold to Bradley Cousino by land contract in 1988, by Kenneth Cousino. (Land Contract is on record at the Township).

Due to the Township adhering to the Ordinance only in retrospect and only to the remaining 4 parcel owners, going so far as to add to the legal description of record at the Township and the tax roll in 2020, "UNBUILDABLE DUE TO TO PRIVATE ROAD ORDINANCE #97-174, and changing it to "NO BUILDING ALLOWED DUE TO PRIVATE ROAD ORDINANCE

#97-174,” in 2022, the Township has in effect made the 4 remaining parcels not only unbuildable, but unsellable. It is also worth noting that the parcels have been zoned R-1 Residential, and have always been taxed as R-1 Residential. Tonya Cole, Building Inspection & Environmental Health Administrative Supervisor, has confirmed that the parcels themselves are “buildable,” as far as Building Inspection & Environmental Health is concerned.

Under Private Road ordinance No. 97-174, Sec. 47-34, adopted 12-16-1997 Nonconforming Situation, it reads, “*Private roads, legally constructed prior to the adoption of this article may continue in use* subject to the following: (1) No such road shall be enlarged or extended unless the entire road is brought into compliance with the standards of this article. (2) No additional lots or home sites shall be created which are accessed by a nonconforming private road unless the entire road is brought into compliance with the standards of this article. (3) ***Lots lawfully created prior to the adoption of this article, which are accessed by a nonconforming private road may be used in accordance with the requirements of the zoning ordinance.*** [emphasis added] (Ord. No. 97-174, § 90, 12-16-97).

In 1988, Kenneth and Patricia Cousino bought the original 49 acres of land, with the intent to divide the land after purchase to friends and family, listed above, who had all agreed in advance to the arrangement. Kenneth Cousino, after purchasing the 49 acres, did in fact immediately divide his land 4 times, per the requirements of the Subdivision Control Act, PA 288 of 1967, and sold the 6 parcels created by Split 2 by land contract, on record at the Township. At this point, Kenneth Cousino had no remaining splits available under the Land Division Act of 1996, Public Act 591 amending the Subdivision Control Act, PA 288 of 1967. Outline of Splits:

- Split 1: K-11-30-100-031 5600 Bon Terre Drive, Kargul, John and Carol
- Split 2: K-11-30-100-033 5473 Bon Terre Drive, Dirkes II, James
 K-11-30-100-034 5489 Bon Terre Drive, Smith, James and Danielle,
 original owner Yezbick, Gary and Denise
 K-11-30-100-035 5505 Bon Terre Drive, Lorrie L. Thomas,
 original owner Thomas and Susan Hungerford
 K-11-30-100-036 5521 Bon Terre Drive, Lorrie L. Thomas,
 original owner Edward Yoskovich.
 K-11-30-100-037 5537 Bon Terre Drive, Guest, Alan and Amy
 K-11-30-100-038 5667 Bon Terre Drive, Caldwell, Eduardo and Rebecca,
 original owner Bradley Cousino.
- Split 3: K-11-30-100-029 5669 Bon Terre Drive, Lynch, John and Lisa
- Split 4: K-11-30-100-032 5658 Bon Terre Drive, Boyd, Collin and Katherine

January 31, 1993, Honorable William F. Ager, Jr., Circuit Court Judge fro Washtenaw County, entered Consent Judgment of Partition, for a specific performance pursuant to MCLA Sec. 600.3301 and MCR 3.401 to obtain deeds under land contract and the judicial partition of certain lands sold by: Kenneth and Patricia Cousino, to Gary L. Yezbick and Denise J. Yezbick, James V. Dirkes, II and Deborah A. Dirkes, Thomas D. Hungerford and Susan B. Hungerford, Edward

A. Yoskovich and Kimberly Yoskovich, Alan J. Guest and Amy Guest, and Bradley J. Cousino and Wendy Cousino. The Consent Judgment of Partition and the newly created deeds were registered that same year. These documents are on record with the Township. All six parties received their respective right, title and interests in said lands, September 5, 1988.

In a letter on record at the Township, dated January 20, 1994, Department of Commerce, Richard E. Lomax Subdivision Control Unit, County Zoning Review Unit wrote to Eugene T. Hanlon Bilakos and Hanlon Law Office, with cc: to William Douglas Winters, "Attorney General opinion. . .these divisions provided the vendees under the land contract an equitable interest in the land. The date of the land contract is the date of the division."

All ten parcels were in fact (1) lawfully created prior to the adoption of this article, (2) accessed by a nonconforming private road, and are allowed by Private Road Ordinance No. 91-174, Sec. 47-34, nonconforming situations, to be used in accordance with the requirements of the zoning ordinance, which has zoned the parcels as R-1 Residential.

Please let this letter serve as my written withdrawal from a variance request from Private Road Ordinance No. 97-174, that was to be heard at the Township Board meeting January 17, 2023, as the Private Road Ordinance No. 97-174, does not apply to the parcels on Bon Terre Drive, as it is a lawfully constructed nonconforming Private Road.

In closing, there is currently an application for review for a building permit to build a home on one of the four remaining vacant parcels, 5521 Bon Terre Drive, and the Township is asked to assist in any confusion that may arise, due to Private Road Ordinance No. 97-174 being applied to the Bon Terre Drive in error in the past. In addition, the Township is asked to correct the legal description of record at the Township and the tax roll and remove, "NO BUILDING ALLOWED DUE TO PRIVATE ROAD ORDINANCE #97-174," as soon as possible, to allow the remaining parcel owners the rights you have afforded the other parcel owners, so that they are able to finally build their homes or sell their parcels, and to expedite the issuance of the building permit for 5521 Bon Terre Drive.

If you have any questions or concerns, please feel free to contact me.
Thank you for your time and consideration.

Sincerely,



Lorrie L. Thomas, J.D.

C.c.

Stan Eldridge

Jimmie Wilson Jr

John P. Newman II

Gloria Peterson

Debbie Swanson

Township Clerk

Heather Jarell Roe

Township Attorney

Fwd: 01.17.23 Private Road Variance Request Meeting

From : Heather Jarrell Roe Mon, Jan 09, 2023 09:48 AM
<hjarrellroe@ypsitownship.org>

Subject : Fwd: 01.17.23 Private
Road Variance Request
Meeting

To : Lisa Stanfield
<Istanfield@ytown.org>

FYI for public hearing

Heather Jarrell Roe
Ypsilanti Township Clerk

From: "Alan Guest" <alanjguest@gmail.com>
To: hjarrellroe@ypsitownship.org
Sent: Saturday, January 7, 2023 1:08:55 PM
Subject: 01.17.23 Private Road Variance Request Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Heather,

I am the owner of the property with the address 5537 which is adjacent to 5521 Bon Terre. I would like to say that I support her request for the private road variance. I feel that this property is unique in that there are only a small number of parcels sharing this road. The requirements for the road would be unnecessarily burdensome to her. Granting her this variance would do justice for her and the other property owners. It was not her fault that the original developer of the property did not do the road in total compliance with the ordinance. Her desire to build a home would not cause an adverse impact on the other properties in the vicinity.

Please feel free to contact me if you have any questions on my comments.

I appreciate your consideration of the above.

Take care,

Alan Guest
989.916.5228

CHARTER TOWNSHIP OF YPSILANTI

**RESOLUTION 2022-23
In Reference to Ordinance 2022-502**

Rezoning of 6400 MERRITT ROAD (K -11-32-200-055)

The following resolution was offered by The Charter Township of Ypsilanti Planning Department and supported by the Charter Township of Ypsilanti Planning Commission.

Whereas, Ronald Eversole requested the rezoning of approximately 7.9 acres located at 6400 Merritt Road from R-2 One Family Residential to R-2 One Family Residential with an Agricultural Overlay; and

Whereas, at its regularly scheduled meeting held October 25, 2022, the Charter Township of Ypsilanti Planning Commission recommended that the Township Board approve a rezoning request pursuant to MCL125.3202 for a certain parcel of property comprising 7.9 acres, commonly identified as 6400 Merritt Road, Parcel ID K -11-32-200-055, from the R-2 (One Family Residential) Zoning District to the R-2 (One Family Residential) Zoning District with an Agricultural Overlay and;

Whereas, the purpose of the rezoning is to develop the property for the primary purpose of agriculture. The applicant would like to establish an orchard and vineyard, a use not allowed with the existing R-2 zoning. If approved, the rezoning would apply the agricultural overlay to this property and would permit the use of the property for orchard and vineyard uses and;

Whereas, the rezoning request is consistent with the Township's current Master Plan; and

Whereas, the Township Board of Trustees agrees that the rezoning is appropriate; and

Now Therefore, Be it resolved that the Charter Township of Ypsilanti Board hereby adopts and incorporates by reference Ordinance No. 2022-502 attached hereto, by reference, in its entirety.

I, Heather Jarrell Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify the above resolution is a true and exact copy of Resolution No. 2022-23 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at a Regular Meeting held on January 17, 2023.



Heather Jarrell Roe, Clerk
Charter Township of Ypsilanti

CHARTER TOWNSHIP OF YPSILANTI

ORDINANCE 2022-502

An Ordinance Amending Ordinance No. 74, Township Zoning Ordinance, So As To Rezone 6400 Merritt Road, being Parcel ID K-11-32-200-055, From Its Current R-2 (One Family Residential) District Zoning Classification to R-2 (One Family Residential) District Zoning Classification with an Agricultural Overlay.

The Charter Township of Ypsilanti hereby ordains that Ordinance No. 74, adopted May 18, 1994, shall be amended as follows:

Real Property consisting of 7.9 acres of land located at 6400 Merritt Road, also known as Parcel ID K-11-32-200-055, and more particularly described as follows:

See attached legal description labeled "Plot Plan R. Eversole" shall be rezoned from its current R-2 (One Family Residential) District zoning classification to R-2 (One Family Residential) District zoning classification with an Agricultural Overlay.

The Zoning Map, as incorporated by reference, in the Charter Township of Ypsilanti Zoning Ordinance is hereby amended by the rezoning of the afore-described parcel of property from its R-2 One Family Residential District zoning classification to the R-2 One Family Residential District zoning classification with an Agricultural Overlay.

Severability

In the event that any one or more sections, provisions, phrases or words of this ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity nor the enforceability of the remaining sections, provisions, phrases or words of this Ordinance unless expressly so determined by a Court of competent jurisdiction.

Non Exclusivity

The prohibitions and penalties provided for in this Ordinance shall be in addition to, and not exclusive of, other prohibitions and penalties provided for by other law, ordinance, or rule/regulation.

Publication

This Ordinance shall be published in a newspaper of general circulation as required by law.

Effective date

The Ordinance shall become effective upon publication in a newspaper of general circulation as required by law.

I, Heather Jarrell Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify adoption of Ordinance No. 2022-502 by the Charter Township of Ypsilanti Board of Trustees assembled at a Regular Meeting held on January 17, 2023 after first being introduced at a Regular Meeting held on December 6, 2022. The motion to approve was made by member Jarrell Roe and seconded by Swanson YES: Stumbo, Jarrell Roe, Eldridge, Newman, Swanson, and Peterson ABSENT: None NO: None ABSTAIN: None.



Heather Jarrell Roe, Clerk

Charter Township of Ypsilanti

Charter Township of Ypsilanti

RESOLUTION NO. 2023-01

OWNERS DAM SAFETY PROGRAM (ODSP)

WHEREAS, the Charter Township of Ypsilanti, in Washtenaw County Michigan, currently holding a license with the Federal Energy Regulatory Commission (FERC) to operate the Ford Lake Hydroelectric Project (Project) #5334, and

WHEREAS, the FERC requires the Charter Township of Ypsilanti to develop, implement, fund and continue to support the ODSP, per the FERC guideline, for the Project until such time that the Charter Township of Ypsilanti releases ownership or the Project is no longer under the jurisdiction of the FERC, and

WHEREAS, the ODSP document clearly defines the responsibility for the Charter Township of Ypsilanti and its employees, and consultants, and

WHEREAS, the purpose of this Resolution is not new to the Charter Township of Ypsilanti, but rather a re-dedication to dam safety and the responsibilities that come with owning the Project, and

WHEREAS, by the action of this document, the Charter Township of Ypsilanti is showing the commitment to the FERC to operate a safe Project, prioritizing safety over any other goals, and

NOW THEREFORE, be it resolved that the Charter Township of Ypsilanti Board of Trustees acknowledges the Owners Dam Safety Program to maintain compliance with the FERC and define the role of Charter Township of Ypsilanti related to the Project.

I, Heather Jarrell Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify the above resolution is a true and exact copy of Resolution No. 2023-01 approved by the Charter Township of Ypsilanti, Board of Trustees assembled at a Regular Meeting held on January 17, 2023.



Heather Jarrell Roe, Clerk

Charter Township of Ypsilanti



MICHIGAN DEPARTMENT OF NATURAL RESOURCES-GRANTS MANAGEMENT

MICHIGAN NATURAL RESOURCES TRUST FUND AGREEMENT AMENDMENT

Organization: Ypsilanti Charter Township

Project Title: Loonfeather Point Park Development

Project Location: Washtenaw

Project Number: TF19-0135

Amendment Number: 3

This is an amendment to the Agreement entered into between the Michigan Department of Natural Resources ("DEPARTMENT") and the Ypsilanti Charter Township in the county of Washtenaw County for the Michigan Natural Resources Trust Fund grant number TF19-0135.

The purpose of this amendment is to:

- extend the end date of the project period from 02/28/2023 to 08/28/2023 to allow for more time to complete the project.
- A. The DEPARTMENT and the GRANTEE mutually agree to amend the Agreement as follows:
- The time period allowed for project completion is 08/03/2020 through 08/28/2023, hereinafter referred to as the "project period." Requests by the GRANTEE to extend the project period shall be made in writing before the expiration of the project period. Extensions to the project period are at the discretion of the DEPARTMENT. The project period may be extended only by an amendment to this Agreement.
 - Submit a complete request for final reimbursement within 90 days of project completion and no later than 11/30/2023. If the GRANTEE fails to submit a complete final request for reimbursement by 11/30/2023, the DEPARTMENT may audit the project costs and expenses and make final payment based on documentation on file as of that date or may terminate this Agreement and require full repayment of grant funds by the GRANTEE.
- B. All other provisions of the Agreement shall be continued in full force and effect.
- C. The amendment may be executed separately by the parties and is not effective until both the GRANTEE and the DEPARTMENT have signed it.



D. This amendment modifies an Agreement which was approved by resolution of the GRANTEE'S governing body as evidenced by the resolution attached to the Agreement. It is the sole responsibility of the GRANTEE to determine if its laws, policies, or procedures require approval by its governing body before execution of this amendment by the GRANTEE. By signature of this amendment, the GRANTEE certifies that:

1. Approval of the amendment by its governing body is not required, or
2. The amendment has been approved by resolution (true copy attached) of the

_____ meeting of the _____
 (date) (special or regular) (name of approving body)

GRANTEE

SIGNED	WITNESSED
By: <u>Brenda L. Stumbo</u>	By: <u>Jessal Starbield</u>
Title: <u>Supervisor</u>	By: <u>Jessal Starbield</u>
Date: <u>Jan. 18, 2023</u>	

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

SIGNED	WITNESSED
By: _____	By: _____
EFFECTIVE DATE: _____	By: _____