

RESOLUTION NO. 19-16

TOWNSHIP OF ALGOMA

COUNTY OF KENT, MICHIGAN

At a regular meeting of the Township Board of the Township of Algoma, held at the Algoma Township Hall, 10531 Algoma Avenue, Rockford, MI 49341, on the 12th day of April, 2016, at 7:00 p.m.

PRESENT: Clary, J. Bigney, Ellenwood, W. Bigney, Lemoine, Pickerd, Powell

ABSENT: None

The following preamble and resolution were offered by Trustee Pickerd and supported by Trustee Lemoine.

RESOLUTION TO APPROVE REVISED SITE DEVELOPMENT PLAN OF RIDGE WATER ESTATES AND TO AUTHORIZE SECOND AMENDMENT IN CIRCUIT COURT CONSENT JUDGMENT RELATING THERETO

WHEREAS, Ridge Water Estates, a residential development located in Section 10 of the Township, was authorized to be designed, constructed and used under the terms of the Consent Judgment entered by Kent County Circuit Court on June 12, 2003, in the case of *Sable Developing, Inc. v Algoma Township*;

WHEREAS, the Township and Sable Developing, Inc. entered into an agreement on March 23, 2004 whereby a minor change in the Consent Judgment was approved;

WHEREAS, Ridge Water Estates was established as a site condominium by Kent County Condominium Subdivision Plan Number 681, recorded September 7, 2004, and consisted of 32 site condominium units, together with general and limited common elements and a proposed future development area, all of which would include a total of 75 residential site condominium units, if fully developed;

WHEREAS, a portion of Ridge Water Estates (the “Development”) was designated Ridge Water Estates II by a master deed executed by Sable Developing, Inc. and recorded as a Kent County Condominium Subdivision Plan;

WHEREAS, on March 15, 2013, the Township Board of the Township approved the re-designation of Ridge Water Estates II into Phase 2A, consisting of units 13-18 and 53-55, and Phase 2B, consisting of units 39-52;

WHEREAS, on August 20, 2015, the Circuit Court approved an Amendment of Consent Judgment (the “First Amendment”) in *Sable Developing, Inc. v Algoma Township*, whereby certain changes in the Development were authorized, as agreed to by the parties;

WHEREAS, Sable Developing, Inc. has submitted a revised development plan dated March 29, 2016 for the Development;

WHEREAS, the revised site development plan includes certain alterations in Phase 2B of Ridge Water Estates II and Phase 3 of the remainder of the Development; and

WHEREAS, the Township Board reviewed the revised site development plan at a public meeting on April 12, 2016.

IT IS THEREFORE RESOLVED AS FOLLOWS:

1. The Township Board hereby approves the revised site development plan of Ridge Water Estates, dated March 29, 2016, such plan covering revisions in Phase 2B of Ridge Water Estates II and Phase 3 of the remainder of the Development, subject to and upon the terms and conditions stated in this resolution and in the attached Second Amendment of Consent Judgment:

(a) This approval of the revised site development plan shall not be effective, and no building permits or other permits shall be issued thereunder, until such time as the Kent County Circuit Court has entered the Second Amendment of Consent Judgment (the “Second Amendment”), in substantially the form attached hereto as Exhibit A. The Township attorney is

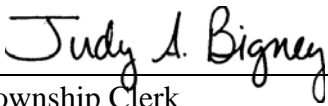
authorized to negotiate the final form and content of the Second Amendment with the developer or its attorney, prior to submission of the Second Amendment to the Circuit Court. The Second Amendment shall include a true and complete copy of the revised site development plan, as it may be amended in accordance with this resolution.

(b) Sable Developing, Inc. shall submit to the Township a proposed amendment in the master deed and bylaws of Ridge Water Estates II, depicting and otherwise including the changes in the Development approved herein. The amended master deed and bylaws shall be subject to the approval of the Township attorney. After such approval, Sable Developing, Inc. shall record the amended master deed and bylaws with the county register of deeds, and promptly thereafter submit recorded copies of the same to the Township office.

AYES: Lemoine, W. Bigney, Pickerd, J. Bigney, Powell, Ellenwood, Clary

NAYS: None

RESOLUTION DECLARED ADOPTED.



Township Clerk

EXHIBIT A

