

CLEARWATER TOWNSHIP
Resolution No. 1 of 2021

At a regular meeting of the Clearwater Township Board, Kalkaska County, held in the Clearwater Township Hall, located in Rapid City, Michigan on February 18, 2021 at _____.

PRESENT: T. Backers, M. Booy, ^{not present} J. Childs, G. Bradley, A. Keyes

ABSENT: J. Childs

The following resolution was made by Tom Backers and seconded by Albert Keyes, to wit:

Recitals

- A. On April 18, 2000, the Clearwater Township Board passed the Clearwater Township Iron Bridge Resolution which provided:

CLEARWATER TOWNSHIP hereby accepts jurisdiction of the portion of Glade [Valley] Road/Kellogg Road as offered by the Kalkaska County Road Commission. The township supervisor and township clerk are authorized to execute any and all documents necessary to facilitate the transfer or jurisdiction over the property. Further, the township supervisor and township clerk are authorized to increase the township's liability policy as necessary to cover the potential liabilities due to jurisdiction over the property as the township's insurance agents may deem advisable.

- B. On November 19, 2019, the Clearwater Township Board closed the Old Iron Bridge to vehicular traffic due to its deteriorating and unsafe condition.
- C. Michael and Catherine Stevens are the owners of the property where the roadway and Old Iron Bridge are located. They are also the owners of the only house which requires crossing over the Old Iron Bridge for safe and convenient vehicular access.
- D. Michael and Catherine Stevens have executed a Declaration of Easement pursuant to which the public's right of ingress and egress to the Rapid River at this location has been preserved and enhanced.
- E. MCL 224.18(8) requires that a township seeking to transfer the property or jurisdiction over the property must give the Department of Natural Resources first priority to obtain the property or jurisdiction over the property.

- F. The Clearwater Township Board complied with MCL 224.18(8) and the Department of Natural Resources declined their opportunity to obtain the property or jurisdiction over the property. *December 17, 2020 email from the Department of Natural Resources attached hereto as Exhibit A.*

Resolution

NOW, THEREFORE, BE IT RESOLVED that:

1. The Clearwater Township Board hereby finds that
2. The Clearwater Township Board hereby relinquishes jurisdiction of the following described property to Michael and Catherine Stevens:

All of the property which Clearwater Township accepted jurisdiction of from the Kalkaska County Road Commission on April 18, 2000 in the Clearwater Township Iron Bridge Resolution.

3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and they are hereby rescinded.

Roll Call Vote as follows:

Aye: T. Backers, M. Booy, G. Bradley, A. Keyes.

No: _____

RESOLUTION DECLARED ADOPTED

CLEARWATER TOWNSHIP

By: Thomas J. Backers
Thomas J. Backers, Supervisor

I, the undersigned, the Clerk of the Township of Clearwater, Kalkaska County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Clearwater Township Board at its regular meeting held on _____, 2021, relative to adoption of the resolution therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Dated: February 18, 2021

Melinda Booy
Melinda Booy, Clerk

EXHIBIT A

Brad Wierda

From: VanDyke, Trevor (DNR) <VanDykeT1@michigan.gov>
Sent: Thursday, December 17, 2020 10:26 AM
To: Brad Wierda
Cc: Hamilton, Kelly (DNR)
Subject: Glade Valley Road in Clearwater Township, Kalkaska County

Mr. Wierda,

Thank you for reaching out to the Department of Natural Resources regarding Glade Valley Road in Clearwater Township, Kalkaska County. The Department of Natural Resources is willing to decline ownership as long as the settlement agreement retains an easement to preserve the area as an access point to the river for the general public. Please let me know if I can be of any further assistance.

Sincerely,

Trevor J. VanDyke, J.D.
*Director, Legislative & Legal Affairs Office, Tribal Liaison
Executive Division, Michigan Department of Natural Resources
Constitutional Hall, 525 West Allegan Street
P.O. Box 30028
Phone: 517.284.6243
Fax: 517.335.4242
vandyket1@michigan.gov*

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Kelly:

Pursuant to your request, the road in question is Glade Valley Road in Clearwater Township, Kalkaska County. In particular, the Township presently has jurisdiction of a .26 mile stretch of Glade Valley Road running northeast from Valley Road which contains the Old Iron Bridge. Attached you will find a couple of maps along with the proposed easement. I am following up with the other attorney to attempt to find out who he was speaking to at the DNR prior to mediation.

Thank you again for your assistance in this matter and I hope to hear from you in the near future.

Brad Wierda

From: Hamilton, Kelly (DNR) [<mailto:HamiltonK9@michigan.gov>]
Sent: Wednesday, November 4, 2020 2:15 PM
To: Brad Wierda <bwierda@smith-johnson.com>
Subject: RE: Clearwater Twp

Mr. Wierda –

I can check with staff and have them provide some thoughts/feedback on this. Do you have a map, location and name of the road that you are referencing that you could provide?

Would it be possible to provide us with a copy of the easement in which the property owner is granting the easement to the township as well? It would be helpful in getting feedback from our various staff/divisions.

And lastly, you reference that the attorney for the private owners contacted the DNR prior to the settlement and had at least some indication that the DNR did not want ownership. Would you be able to provide the name of that attorney and who he/she believes they talked to in the DNR. It might help us track down more easily the right staff who already looked at this and help speed up the process of a informal review on our side.

Thanks in advance for additional you can provide to help facilitate this.

Kelly

Kelly J. Hamilton
Legislative Analyst
Michigan Department of Natural Resources
HamiltonK9@michigan.gov
[Chat with me on Teams](#)

From: Brad Wierda <bwierda@smith-johnson.com>
Sent: Tuesday, November 3, 2020 8:16 AM
To: Hamilton, Kelly (DNR) <HamiltonK9@michigan.gov>
Subject: Clearwater Twp

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Kelly:

You left me a message last week. I understand from your voicemail that you are working remotely and that email is the best way to contact you. I represent Clearwater Township with respect to property that goes over the Rapid River. The property only leads to one home. The Township was sued by the homeowner and entered into a settlement agreement pursuant to which the homeowner is going to take over ownership of the property (and bridge) and grant an easement to preserve the area as an access point to the river for the general public. The bridge requires costly maintenance which the homeowner has agreed to perform. Our understanding is that we are required to first offer ownership to the DNR and that was also a part of the settlement agreement. Again, our preference is that the DNR will decline ownership, allowing the property to pass to the private owners (again preserving access for the public). I understand from the attorney for the private owners that they contacted the DNR prior to the settlement and had at least some indication that the DNR did not want ownership. Can you please contact me to discuss how best to accomplish this? (231) 946-0700. Thanks,

Brad Wierda