

AGENDA REPORT

TO: Mayor Pat Humphrey & the Clare City Commission
FROM: Jeremy Howard, City Manager
DATE: April 29, 2021
RE: Quit Claim Deed – Temporary Construction Easement – Clare Northern Group

For the Agenda of May 3, 2021

Background. In early 2014, a temporary construction easement was created in order to facilitate installation and access to a sanitary sewer traversing Clare Northern Group's property as well as creation of a permanent utility easement for the installation and maintenance of utilities. Both of these easements were recorded with Clare County (*att'd*).

Clare Northern Group is now in the process of developing the property that the temporary construction easement exists on and would like the city to release that deed restriction due to the fact that the temporary construction easement was only used during the construction in 2014 and is no longer needed.

City Attorney Jaynie Hoerauf has drafted a Quit Claim Deed that effectively extinguishes the temporary construction easement as it has been recorded (*att'd*). This therefore frees up the deed restriction on the property and allows the property to be developed. I will have more information for you on the specifics of the development soon as they have submitted a site plan to the Planning Commission for review in the very near future.

Issues & Questions Specified. Should the City Commission execute the Quit Claim Deed prepared which will extinguish the temporary construction easement?

Alternatives.

1. Execute Quit Claim Deed.
2. Do not execute Quit Claim Deed.
3. Set aside the decision regarding this matter to a later date.

Financial Impact. There is no financial impact to the city, though by executing the Quit Claim Deed and allowing for further development on the property will have a positive effect on property taxes in the future created by new development.

Recommendation. I recommend the City Commission execute the Quit Claim Deed as prepared which will extinguish the temporary construction easement by adoption of Resolution 2021-028 (*copy att'd*).

Attachments.

1. Recorded Easements.
2. Quit Claim Deed.
3. Resolution 2021-028.

RETURNED FOR ERRORS
CLARE COUNTY MICHIGAN
04-21-2014 08:22 AM

Received
CLARE COUNTY MICHIGAN
05-05-2014 10:25 AM

201400003803
Filed for Record in
CLARE COUNTY
PAMELA MAYFIELD
05-05-2014 At 04:08 pm.
EASEMENT 20.00
OR Liber 1257 Page 866 - 868

201400003803
JAYNIE SMITH HOERAUF PC
601 BEECH STREET
PO BOX 67
CLARE MI

Instrument 201400003803 OR
Liber Page 1257 866

EASEMENT

This Easement, made this 17th day of April, 2014,

WITNESSETH, CLARE NORTHERN GROUP, LLC, a Michigan corporation, of PO Box 385, Clare MI 48617, for and in consideration of the improvement to Grantors' property and the benefits to be derived from access to a sanitary sewer traversing the Grantors' property, hereby Grant and Warrant to the CITY OF CLARE, a municipal corporation, of 202 West Fifth, Clare MI 48617, its successors and assigns, a permanent easement for the installation and maintenance of utilities over all the part of:

See attached Exhibit "A".

Along with a temporary construction easement also described on attached Exhibit "A".

FOR THE SUM OF ONE AND NO/100ths (\$1.00) DOLLAR
Provided that the Grantee shall restore the surface of the premises subject to said easement as near as practicable to the same condition existing prior to construction and shall pay the cost of such restoration.

WITNESSES:

Jaynie Smith Hoerauf
Jaynie Smith Hoerauf

Suzie Sunday
Suzie Sunday

CLARE NORTHERN GROUP, LLC

Ronald E. Kunse
BY: Ronald E. Kunse

ITS: Member

Steven L. Stark
BY: Steven L. Stark

ITS: Member

STATE OF MICHIGAN) This instrument is exempt from Real Estate Transfer
)ss. stamps under MSA 7.456 Section 5(a) and MCL 207.526(a).
COUNTY OF CLARE)

On this 17th day of April, 2014, before me a Notary Public in and for said County personally appeared CLARE NORTHERN GROUP, LLC, by Ronald E. Kunse, its member, and Steven L. Stark, its member, to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be his free act and deed.

Suzanne L. Sunday
Suzanne L. Sunday Notary Public
Clare Co., MI

My Commission Expires: 6/29/2017
Acting in Clare County, MI

PREPARED BY:
JAYNIE SMITH HOERAUF
JAYNIE SMITH HOERAUF, P.C.
601 Beech Street, P.O. Box 67
Clare, MI 48617
(989) 386-3434

EASEMENT LEGAL DESCRIPTIONS

CITY OF CLARE INDUSTRIAL PARK PROPERTY

20' WIDE UTILITY EASEMENT

A 20' wide strip of land located in the Southwest ¼ of the Southeast ¼ and part of the Southeast ¼ of the Southwest ¼ of Section 23, Township 17 North, Range 4 West, City of Clare, Clare County, Michigan, being more particularly described as:

Commencing at the Southwest corner of said Section 23;
 thence North 89°27'03" East 816.71 feet,
 along the South line of said Section 23 and the centerline of Colonville Road (66 feet wide);
 thence North 00°32'57" West, 33.00 feet to the Point of Beginning;
 thence North 00°32'57" West, 20.00 feet;
 thence North 89°27'03" East, 1817.14 feet;
 thence North 89°51'12" East, 992.39 feet;
 thence South 00°08'48" East, 20.00 feet;
 thence South 89°51'12" West, 992.32 feet,
 along the Northerly right-of-way line of said Colonville Road;
 thence South 89°27'03" West, 1817.07 feet,
 along the Northerly right-of-way line of said Colonville Road to the Point of Beginning.


20' WIDE TEMPORARY CONSTRUCTION EASEMENT

A 20' wide strip of land located in the Southeast ¼ of the Southwest ¼ of Section 23, Township 17 North, Range 4 West, City of Clare, Clare County, Michigan, being more particularly described as:

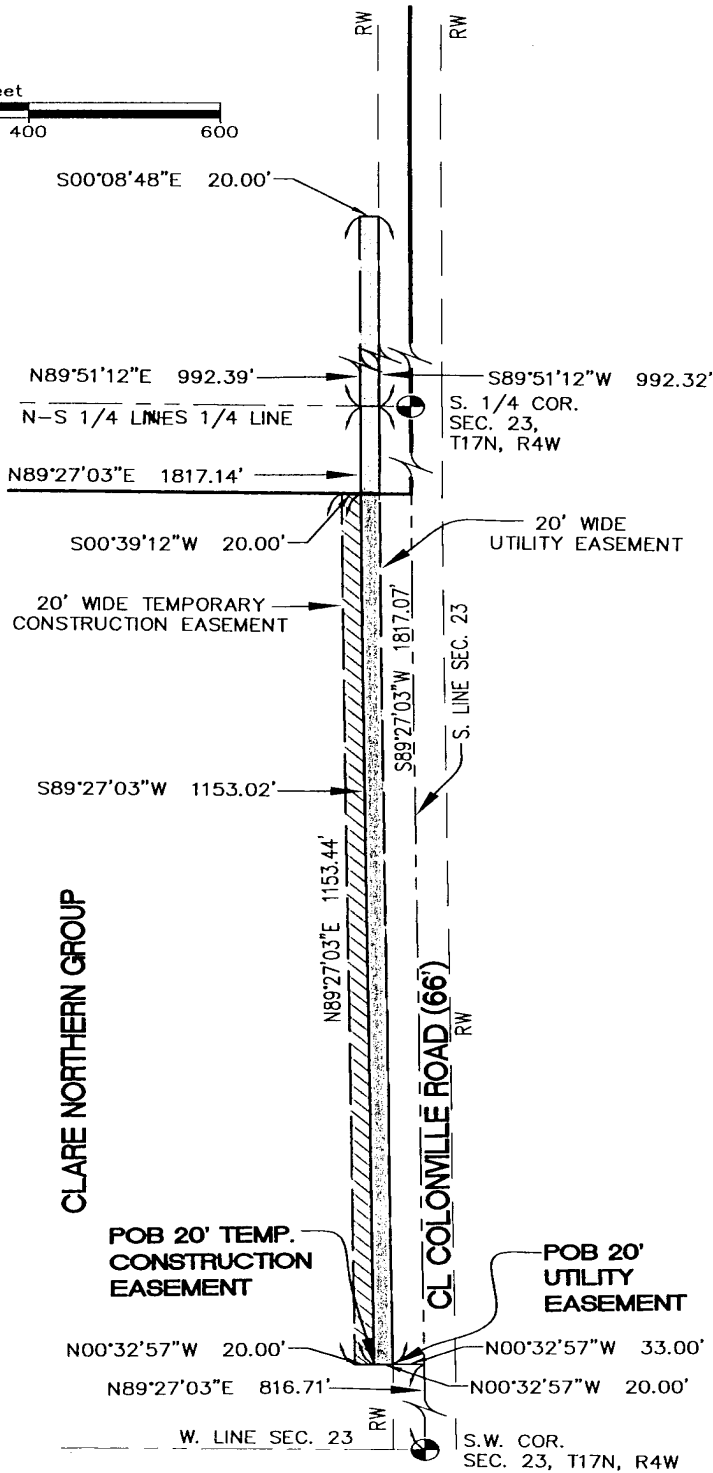
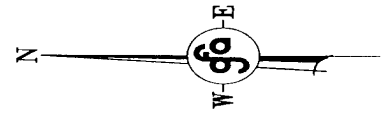
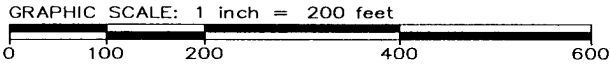
Commencing at the Southwest corner of said Section 23;
 thence North 89°27'03" East 816.71 feet,
 along the South line of said Section 23 and the centerline of Colonville Road (66 feet wide);
 thence North 00°32'57" West, 53.00 feet to the Point of Beginning;
 thence North 00°32'57" West, 20.00 feet;
 thence North 89°27'03" East, 1153.44 feet;
 thence South 00°39'12" West, 20.00 feet;
 thence South 89°27'03" West, 1153.02 feet to the Point of Beginning.

PREPARED FOR: **CLARE NORTHERN GROUP**

BASIS OF BEARINGS: US STATE PLANE ZONE 2112 NAD83

PH 231.946.5874 FAX 231.946.3703 WWW.gourdiefraser.com 123 W. Front Street Traverse City, MI 49684	 <p>gfa Gourdie-Fraser Municipal Development Transportation</p>	Location: PART OF THE SOUTH 1/2 OF SECTION 23, TOWN 17 NORTH, RANGE 4 WEST CITY OF CLARE, CLARE COUNTY, MI	DATE: 04/11/14 P.M.: C. GOODRICH DR. JLF CKD: CL 13388 SHT 2 OF 2
THESE DOCUMENTS ARE PREPARED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT FOR THIS PROJECT.			

EASEMENT SKETCH



Legend

- Iron Found
- Iron Set
- ⊙ Monument Found
- ⊙ Monument Set
- Nail Found
- ⊗ Nail Set
- Stake Found
- Stake Set
- ⊕ BM Benchmark
- (R) Record
- (M) Measured
- ⊙ Section Corner
- 20' Utility Easement
- ▨ 20' Temp. Easement

PREPARED FOR: **CLARE NORTHERN GROUP**

BASIS OF BEARINGS: US STATE PLANE ZONE 2112 NAD83

PH 231.946.5874
 FAX 231.946.3703
 WWW.gourdielraser.com
 123 W. Front Street
 Traverse City, MI 49684



Location:

**PART OF THE SOUTH 1/2 OF
 SECTION 23, TOWN 17 NORTH, RANGE 4 WEST
 CITY OF CLARE, CLARE COUNTY, MI**

DATE:	04/11/14		
PREPARED BY:	C. GOODRICH		
DRAWN BY:	JLF	CKD:	CL
13388			
SHT 1 OF 2			

THESE DOCUMENTS ARE PREPARED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CONTRACT FOR THIS PROJECT.

QUIT CLAIM DEED

THE GRANTOR(S): CITY OF CLARE, a Michigan municipal corporation, of 202 West Fifth, Clare MI 48617;

QUIT CLAIM(S) TO: CLARE NORTHERN GROUP, LLC, a Michigan Limited Liability Company, of PO Box 385, Clare, MI 48617;

the following described premises situated in the City of Clare, County of Clare, and State of Michigan:

See attached Exhibit "A".

This deed is given to extinguish the temporary construction easement recorded at Liber 1257, Pages 866-868.

Subject to restrictions, reservations, and easements of record.

This instrument is exempt from Real Estate Transfer Stamps under MSA 7.456 Section 5(a) and MCL 207.526(a).

This document was prepared from information furnished by the parties, including the legal description.

DRAFTER HAS NOT EXAMINED AND MAKES NO REPRESENTATIONS RESPECTING TITLE.

for the sum of One and no/100ths (\$1.00) Dollar

Dated this ____ day of _____, 2021.

Signed by:

CITY OF CLARE

BY: Patrick Humphrey
ITS: Mayor

STATE OF MICHIGAN)
)ss.
COUNTY OF)

The foregoing instrument was acknowledged before me this _____ day of _____, 2021, by CITY OF CLARE, by Patrick Humphrey, its Mayor.

Notary Public/
_____ Co., MI
My Commission Expires: _____
Acting in the County of: _____

PREPARED BY:
JAYNIE SMITH HOERAUF
JAYNIE SMITH HOERAUF, P.C.
601 Beech Street, P.O. Box 67
Clare MI 48617 (989) 386-3434

Exhibit "A"

20' WIDE TEMPORARY CONSTRUCTION EASEMENT

A 20' wide strip of land located in the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 23, Township 17 North, Range 4 West, City of Clare, Clare County, Michigan, being more particularly described as:

Commencing at the Southwest corner of said Section 23,
thence North 89°27'03" East 816.71 feet,
along the South line of said Section 23 and the centerline of Colonville Road (66 feet wide);
thence North 00°32'57" West 53.00 feet to the Point of Beginning,
thence North 00°32'57" West, 20.00 feet,
thence North 89°27'03" East, 1153.44 feet,
thence South 00°39'12" West, 20.00 feet,
thence South 89°27'03" West, 1153.02 feet to the Point of Beginning

RESOLUTION 2021-028

A RESOLUTION OF THE CLARE CITY COMMISSION EXTINGUISHING A TEMPORARY CONSTRUCTION EASEMENT ON PROPERTY OWNED BY CLARE NORTHERN GROUP.

WHEREAS, the City of Clare executed and recorded a temporary construction easement in 2014 for the installation and access to a sanitary sewer traversing Clare Northern Group's property; and

WHEREAS, said construction has completed and the temporary construction easement is no longer needed; and

WHEREAS, the City Attorney has drafted a Quit Claim Deed that will extinguish the existence of the temporary construction easement; and

WHEREAS, the City Commission has reviewed said Quit Claim Deed and considered the recommendation to extinguish the temporary construction easement made by the City Attorney and Staff and determined said recommendation to be sound, prudent, and reasonable and is presently in the best interests of the City.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Clare hereby approves the execution and recording of the Quit Claim Deed prepared which will extinguish the temporary construction easement and therefore allow further development on the property.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INsofar AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

**The Resolution was introduced by Commissioner and supported by Commissioner .
The Resolution declared adopted by the following roll call vote:**

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 3rd day of May, 2021.

Diane Lyon, City Clerk