VILLAGE OF NORTHPORT
RESOLUTION 3-2024

RESOLUTION RESOLVING A PROPERTY LINE DISPUTE

WHEREAS, Three Rivers Properties, LLC owns certain real property, landscaping, and other accoutrements on Lot A, as shown on the attached survey, Exhibit 1, (Parcel ID Number 042-450-115-00), commonly referred to as 112 West Nagonaba Street, Northport, Michigan (the "Three Rivers Parcel"); and,

WHEREAS, Karl T. Wizinsky owns certain real property on Lot B, as shown on the attached survey, Exhibit1, (Parcel ID Number 042-450-013-00), commonly referred to as 107 West Park Street, Northport, Michigan (the "Wizinsky Parcel"); and,

WHEREAS, the Village of Northport has improved Park Street, which runs adjacent to the eastern lot line of the Three Rivers and Wizinsky Parcels. A portion of Park Street is paved, and a portion is gravel. The Village maintains that the improved portion of Park Street, both paved and gravel, has been used as a public street and right of way for more than the 10 years required by MCL 221.20 to establish a highway by user; and,

WHEREAS, the owners of the Three Rivers and Wizinsky Parcels maintain that a portion of the Park Street pavement adjacent to their common eastern lot line is actually located on their property, that MCL 221.20 does not apply since the established portion of the right of way is less than four rods (66 feet) and the only consistent use of the right of way over the years has been at 16 foot, or less, right of way width ; and,

WHEREAS, Three Rivers and the Village wish to resolve any and all disputes concerning the proper location of Park Street and assure the Village, and the general public, that the use a portion of the Three Rivers Parcel and a large evergreen on that property for decoration of a Holiday Christmas Tree, placement of a Northport Sign, and other holiday events on and in the vicinity of the Three Rivers Parcel may continue.

NOW THEREFORE, the Village of Northport does resolve to:

1. Quitclaim to Three Rivers Properties, LLC the 4-foot by 99.96-foot strip of land currently a portion of the improved and paved area of Park Street and abandon any right of way acquired by use under MCL 221.20, as shown in the area marked in yellow on Exhibit 1.

2. Upon the creation of an appropriate legal description, quitclaim to Karl Wizinsky the triangle of land, four feet at its base, and currently a portion of the improved and paved area of Park Street and abandon any right of way acquired by use under MCL 221.20, as shown in the area marked in yellow on Exhibit 1.

3. Relocate the course of Park Street to lie within a 16-foot right of way located to the east of the Wizinsky Parcel and maintain only that course upon completion of its relocation.

4. Preserve the current location of the buildings abutting the east side Park Street and permit construction up to, but no closer than, a line formed by the western most wall of any currently existing building extended to the north and parallel to the 16-foot right of way used by Park Street.

5. Maintain Park Street as a one-way street travelling north from Nagonaba Street.

6. The Northport Village Manager is authorized to complete the undertakings of this resolution, and to sign all documents necessary to carry out the terms of this Resolution contingent upon:

a. Obtaining and recording quitclaim deeds establishing a 16-foot wide right of way for Park Street, as shown in Exhibit 1.

b. A satisfactory executed lease, in substantially the same form as Exhibit 2, signed by Three Rivers Properties, LLC for the benefit of the Village of Northport securing the use of that portion of the Three Rivers Parcel necessary to decorate, use, and maintain the Christmas Tree and the Northport Sign.

c. Receipt by the Village Manager of a copy of an executed lease between Three Rivers Properties, LLC, and the Mitten Brewery, LLC to permit continued operation of the Mitten Brewery.

RESOLVED, and effective immediately upon approval.

ADOPTED February 8, 2024, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of a resolution adopted at a regular meeting of the Northport Village Council held on the 8th day, of February 2024.

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Joni L. Scott, Village Clerk