

ORDINANCE NO. 2024-04-001.004
VILLAGE OF STOCKBRIDGE
(Enacted April 1, 2024)

**AN ORDINANCE TO SELL THE ALLEY
AT A PRIVATE SALE**

The Village of Stockbridge, Michigan, ordains:

SECTION 1. Pursuant to MCL 67.4, the Village will sell the "alley" via a private sale to the same Simmon's entity that is purchasing the Spadafore family property to the east on the following terms and conditions:

- A. The purchase price for the "alley" to be One (\$1.00) Dollar. The Village considers this fair and adequate consideration, given:
 - a. the narrow nature of the property restricts it from being successfully constructed on by anyone else other than an adjoin property owner, which reduces the market value;
 - b. the Spadafore building already owns the "air deed" to the building constructed "above" the alley, which makes it practically difficult for anyone else to construct a building on the site and decreased the market value considerably;
 - c. the buyer has committed to expend the legal fees necessarily incurred by the Village in quieting title to the alley, and the Village's title is imperfect to the "alley," which limits its marketability;
 - d. tum the "alley" over to a private owner will decrease the Village's fiscal liability to maintain the alley and increase the tax base in the downtown district;
- B. The buyer to pay the actual costs and attorney fees incurred by the Village Attorney in a legal action to quiet title to the "alley," as a pre-condition to this sale;
- C. The buyer to provide a staked survey by a licensed surveyor to the Village outlining the legal description of the entire alley limiting the "alley" to be purchased to the perimeter of the walls of east and west buildings. Further limiting the perimeter of the north and south property lines of the "alley" being sold to no further north and south than an east west line between the two buildings' footprints on the north and south sides, regardless of the current legal description of the entire alley. The Village shall retain ownership of any other "alley" property located outside of this area being sold;

- a. the Village has the power to abandon an "alley" pursuant to MCL 67.13. However, MCL 67.13 requires the Village to include the description of the portion of the Alley being abandoned in the Ordinance, so if the sale moves to completion as contemplated in this Ordinance, then the Buyer must provide a staked survey to outline the portion of the Alley being sold and the Village shall adopt a second Ordinance declaring that portion of the Alley abandoned and recorded it at the Ingham County Register of Deeds.
- D. The sale conditioned on the buyer contemporaneously buying the Spadafore family's building to the east of the Alley;
- E. There shall be a deed restriction on the sale requiring that the buyer open to the public the Spadafore's building and the alley as a restaurant with liquor services within an 18 month period of purchasing the alley, or the Village shall have the right to re-purchase the "alley" property for One (\$1.00) Dollar. This deed restriction shall run with the land;
- F. There shall be a deed restriction on the sale providing the Village reserves a right of first refusal to buy the "Alley" back from the then current owner for One (\$1.00) Dollar, if the building ceases to operate as a restaurant with liquor services within ten (10) years of the transfer of the "alley" to the buyer. This deed restriction shall run with the land; and
- G. The Alley being sold is a portion of the property identified as tax parcel ID No: 33-42-16-27-233-003.

SECTION 2: If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Village of Stockbridge declares that it would have passed this Ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 3: That this Ordinance and the related rules, regulations, provisions, requirements, orders, and matters established shall take effect immediately upon publication, except any penalty provisions which shall take effect twenty (20) days after publication, pursuant to MCL 66.1.

SECTION 4: Repealer - All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

Adopted at a regular meeting of the Village of Stockbridge held on June 6, 2022.

Moved by: Ogden Seconded by: Cattell

YEAS: Mullins, Morehouse, Fairbotham, Cattell, Ogden

NAYS: None

ABSENT: Howlett, Powers-Taylor

ABSTAIN: None

Village of Stockbridge



By: Jill Ogden

Its: Village President

Certification of Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Stockbridge, County of Ingham, State of Michigan, at a regular meeting held on the 1st day of April 2024, and 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, and the foregoing Ordinance was published in a newspaper of local circulation on April 8, 2024.

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Village of Stockbridge



By: Heather Armstrong

Its: Village Clerk

Drafted by: John L. Gormley (P53539),
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