

Negaunee Township Special Board Meeting – January 15, 2014

Call to Order

William Carlson, Township Supervisor, called the Special Meeting of the Negaunee Township Board to order at 5:00 p.m. Other Board members present included John Ennett, Carl Nurmi, Rachel Sertich and Duane Soine.

Absent: None

Others In

Attendance: Kevin Koch, Kelly Laakso, Joe Scanlan, Karl Weber, James Johnson and Stephen Adamini.

Purpose of the Special Meeting

The purpose of the Special Meeting was to meet with the Township Attorney, Kevin Koch, to discuss a possible response to Mr. Stephen Adamini's letter of December 18, 2013 regarding the lot line situation in the Dead River Campers Assessor's Plat.

Lot Line Issue – Lots #10 & #11 – Dead River Campers Assessor's Plat

- Bill Carlson, Township Supervisor, indicated it is the Township Board's understanding for the lot line change to be made in the Assessor's Plat it must be done through Circuit Court.
- Kevin Koch, Township Attorney, said in discussions with Mr. Cleaver with the State of Michigan he does not believe a re-plat of the property needs to be done. He believes § 263 of the Land Division Act applies where municipalities can follow their own Ordinance.
- The Supervisor noted in speaking with another attorney 3 options were provided: 1) leave the properties with the lot line change as long as there is no sale (however, a sale already took place), 2) re-plat the Assessor's Plat, or 3) Circuit Court action to change the lot line.
- The Supervisor noted it is the Boards understanding in speaking with another Attorney the deed for the property sold cannot be recorded as the property does not have marketable title. However, the Township is awaiting written correspondence from the other attorney consulted.
- Mr. Adamini indicated he feels the law is clear and Mr. Johnson does not need to do anything further. He feels any court action filed by the Township would be frivolous. He said the deed was executed, filed and recorded and Mr. Weber holds Title to the property.
- Mr. Johnson asked who the Township had contacted for additional legal advice, and the Supervisor indicated it was a downstate firm.
- Mr. Johnson indicated he has spent in excess of \$7,000 to date on the issue and cannot understand why several attorneys are saying the lot line could be moved and the Township is not agreeing. There are also issue regarding insurance on the property. He inquired how the lot line issue was harming the Township.
- The Supervisor noted when Assessor's Plats are developed guidelines are put in place on how to deal with various issues. The Township is just enforcing the applicable requirements of the Assessor's Plat.
- Board Trustee Duane Soine asked the parties in attendance if it is their understanding the issue deals with a "lot line adjustment," to which Kevin Koch, Stephen Adamini and Karl Weber responded "Yes."
- Kelly Laakso, Township Assessor, noted lot line adjustments in an Assessor's Plat require Circuit Court action and deals with § 221 and §229 of the Land Division Act
- Mr. Weber asked to be copied on any future correspondence.
- The Supervisor noted no action would be taken by the Board until written correspondence was received from the other downstate legal firm on how a lot line adjustment in an Assessor's Plat has to be addressed.

Adjournment

No further business appearing, the Special Board meeting was duly adjourned at 6:00 p.m.

Respectfully submitted,

Rachel Sertich
Negaunee Township Clerk