

**VILLAGE COUNCIL
VILLAGE OF MACKINAW CITY**
Cheboygan and Emmet Counties, Michigan

Trustee K. Paquet supported by Trustee J. Lemanski, moved the adoption of the following Ordinance:

ORDINANCE NO. 239

**AN ORDINANCE TO AUTHORIZE A PRIVATE SALE OF THE BELOW
DESCRIBED PROPERTY**

The Village of Mackinaw City ordains:

Sec. 1. Amendment of Compiled Code. Section 12.476 is added to the Compiled Code of the Village of Mackinaw City to read as follows:

Sec. 12.476. Private Sale Ordinance Village of Mackinaw City.

In accordance with the General Law Village Act, Public Act 3 of 1895, as amended, MCL 67.4, the Village Council of the Village of Mackinaw City ("Grantor") ordains to sell and convey the following described real property, which is not a public park, by way of private sale to THOMAS CHASTAIN LIVING TRUST and ANN CHASTAIN LIVING TRUST ("Grantees") located in Mackinaw City, Michigan, for the purchase price of \$12,001.00 plus all costs and fees incurred by the Village of Mackinaw City associated with the sale of said property.

The property ("Property") is legally described as follows:

LOT 10, Block 7, Plat of Wendell's Addition to Mackinaw City, Cheboygan County, State of Michigan, being fractional Lot No 2, Section 18, T39N, R3W, Michigan Meridian.

Subject to easements and restrictions now of record and the restrictions appearing below:

This conveyance is made with the intention of Grantor that the Property forever be dedicated and used for single-family or two-family residential year-round housing and said restriction shall be binding upon Grantees, their heirs, assigns, successors in interest, and be deemed to run with the land in perpetuity. The term "year-round housing" shall mean that the property is occupied for single-family or two-family residential use for not less than ten (10) months in a calendar year.

Grantee by accepting this conveyance irrevocably agrees that (i) this restriction is enforceable through injunctive proceedings in the Circuit Court in Cheboygan County, Michigan, (ii) there is no adequate remedy at law for a violation of this restriction (iii) injunctive relief is the only practicable means of enforcement of this restriction, and (iv) any violation of this restriction will cause irreparable harm to the Grantor and/or owners of property parcels within the Plat of Wendell's Addition to Mackinaw City.

Grantee shall not convey, lease, assign, transfer, license or otherwise create or permit any interest in the Property or any portions thereof, in a third party, by instrument, or by operation of law except upon condition that the restrictions and declarations contained herein shall be expressly binding upon such party.

The Grantor grants to Grantee the right to make all divisions under the Michigan Land Division Act (if any).

This instrument is exempt from state transfer taxes under MCL 207.526(i) and from county transfer taxes under MCL 207.505(h).

Sec. 2. Effective Date. This Ordinance shall take effect upon its publication in a newspaper circulated in the Village.

Yeas: Trustees: E. Lieghio, G. Ranville, K. Paquet, S. Newman, J. Lemanski

Nays: Trustees: None

Abstain: Trustees: T. Chastain

Absent: Trustees: P. Michalak

Ordinance declared adopted.

Scott Newman, Village President

Lana Jaggi, Village Clerk

CERTIFICATION

As the Clerk of the Village of Mackinaw City, Michigan, I certify this is a true and complete copy of an ordinance adopted at a meeting of the Village Council held on September 1, 2022, with notice provided as required by law.

September 1, 2022

Lana Jaggi, Village Clerk