

**CHARTER TOWNSHIP BOARD OF TRUSTEES
SPECIAL MEETING MINUTES
THURSDAY, JULY 24, 2008**

Supervisor Zurawski called to order a Special meeting of the Charter Township of York Board of Trustees at 7:35 p.m. on Thursday, July 24, 2008. The meeting was held at the York Township Hall, 11560 Stony Creek Rd. for the purpose of discussion of issues relating to the Road Improvements currently taking place in conjunction with the Toyota Technical Center and the issues revolving around the alignment of the US23 entrance and exit ramps at Willis Road.

Clerk Neill had advised she couldn't attend tonight's meeting, so in her absence Supervisor called the roll and they will need to appoint someone as acting Clerk:

Wayne Meier, Absent
Mike Kipley, Absent
Helen Neill, Absent
Joe Zurawski, Present
Sally Donahue, Present
Jane Kartje, Absent
John Bulmer, Absent.

Supervisor Zurawski stated no quorum present, so no official business could be conducted, however, they could still discuss items.

Short Public Comments, (*three minutes or less*): none.
Others Present: Two, (*list on file*)

Supervisor Zurawski advised he would be the acting Clerk without objection until a quorum is reached.

Township Attorney John Etter advised that he invited Mark Heusel, Attorney for Milan Company/York Crossing, LLC to the meeting and that he brought the Private Road Approach Agreement signed by Frank Delvecchio on behalf of the Washtenaw County Road Commission, as well as the Consent Judgment and Settlement Agreement papers.

Discussion held regarding changes needed to the Consent Judgment documents, including Exhibits, being considered for approval.

7:40 p.m. – Supervisor adjourned the meeting for 10 minutes to copy documents. Supervisor recognized Trustee Mike Kipley's arrival at 7:45 p.m. during the adjournment. Treasurer Donahue updated Trustee Kipley on the documents they had been reviewing.

7:50 p.m. – Supervisor reconvened meeting.

Discussion continued regarding changes to the Consent Judgment, Settlement Agreement and the Exhibits as explained by the two Attorneys.

8:30 p.m. - Supervisor recognized arrival of Trustee Wayne Meier.

MOVED BY DONAHUE in the absence of Clerk Neill, we have a quorum, to appoint Joe Zurawski as Acting Clerk. SECONDED BY KIPLEY. Discussion: none. VOICE VOTE: AYE: 3; NAY: 1; ABSENT: 3. MOTION CARRIED 3-1-3

Supervisor brought Trustee Meier current with the documents provided and advised that everyone who is coming is present. Everyone reviewed the changes to documents for Trustee Meier.

Lengthy discussion held regarding Trustee Bulmer’s memo left on Board table regarding the sentence on p.6, #5 of Consent Judgment referencing well and septic - does not commit the Township to inclusion into the Urban Service District.

MOVED BY MEIER to insert the sum of \$100,000.00 for Title Insurance in the Resolution.
SECONDED BY DONAHUE. Discussion held. VOICE VOTE: AYE: 4; NAY: 0; ABSENT: 3
MOTION CARRIED 4-0-3

Discussion held on the Landscape Plan and easements. Attorney Etter advised that the resolution motion should state change to Covenant Deed that no splits are conveyed.

MOVED BY ZURAWSKI to adopt Resolution #2008-09, Resolution to Approve Termination of Purchase Agreement Between York Township and York Crossing; Approve Intervention in Related Lawsuit Between Washtenaw County Road Commissioners (“WCRC”) and York Crossing; Approve Settlement Agreement and Consent Judgment Related to said Lawsuit; and Authorize Execution of Documents Related Thereto Including Execution of Covenant Deed from York Township to York Crossing and Private Road Approach Agreement; as read aloud by Supervisor Zurawski; to be a part of this meeting’s minutes including exhibits.
SECONDED BY MEIER. Discussion held.
ROLL CALL VOTE: MEIER, AYE; KIPLEY, AYE; ZURAWSKI, AYE; DONAHUE, AYE; NAY: NONE; ABSENT: NEILL, KARTJE, BULMER. MOTION CARRIED 4-0-3

Public Comments (*five minutes or less*) None.

Adjournment

Being no further business to come before the Board, Supervisor Zurawski adjourned the Special meeting at 9:35 p.m.

Helen Neill, Clerk

Joseph Zurawski, Supervisor

Minutes prepared by Helen Neill, Clerk, utilizing Supervisor Zurawski’s and Treasurer Donahue’s notes and the two tapes of this meeting.

Approved: _____

For additional information: www.twp-york.org; Yorkline cable channel 12
Newspapers of record: *The Milan News-Leader* and *The Saline Reporter*

CHARTER TOWNSHIP OF YORK
WASHTENAW COUNTY, MICHIGAN

RESOLUTION No. 2008-09

RESOLUTION TO APPROVE TERMINATION OF PURCHASE AGREEMENT BETWEEN YORK TOWNSHIP AND YORK CROSSING; APPROVE INTERVENTION IN RELATED LAWSUIT BETWEEN WASHTENAW COUNTY ROAD COMMISSIONERS (“WCRC”) AND YORK CROSSING; APPROVE SETTLEMENT AGREEMENT AND CONSENT JUDGMENT RELATED TO SAID LAWSUIT; AND AUTHORIZE EXECUTION OF DOCUMENTS RELATED THERETO INCLUDING EXECUTION OF COVENANT DEED FROM YORK TOWNSHIP TO YORK CROSSING, AND DRIVEWAY APPROACH CONSTRUCTION AGREEMENT.

Minutes of a Special Meeting of the Township Board of the Charter Township of York, Washtenaw County, Michigan held at the Township Hall in said Township, on the 24th day of July, 2008, at 7:30 p.m.

PRESENT: MEMBERS JOE ZURAWSKI, SALLY DONAHUE, MIKE KIPLEY, WAYNE MEIER

ABSENT: MEMBERS HELEN NEILL, JANE KARTJE, JOHN BULMER

The following preamble and resolution were offered by Member Joe Zurawski and supported by Member Wayne Meier.

WHEREAS, the Township owns a parcel of land (“Township Parcel”) of approximately 6.32 acres being tax code S-19-11-200-001; and

WHEREAS, by Purchase Agreement dated October 12, 2006 as extended, the Township agreed to sell to York Crossing approximately 1.01 acres of the Township Parcel for a private road and commercial driveway to other lands owned by York Crossing and planned for commercial development (“Development Parcels”);

WHEREAS, a condemnation lawsuit was commenced on July 27, 2007 by the Washtenaw County Road Commission (WCRC) against York Crossing in the Washtenaw County Circuit Court bearing case number 07-760-CC (“Lawsuit”);

WHEREAS, in the course of the Lawsuit it appeared that a settlement was possible on terms which would involve the Township, and, to a lesser degree Toyota Motor North America Inc. (“TMA”) and Toyota Engineering and Manufacturing North America Inc. (“TEMA”); and

WHEREAS, representatives of the Township have negotiated with representatives of the other interested parties, a proposed Consent Judgment with several exhibits, a proposed Mutual Release and Settlement Agreement with an exhibit, and a proposed Driveway Approach Construction Agreement with exhibits, copies of all of which are attached hereto; and

WHEREAS, the terms of these various agreements have been verbally approved by representatives of the Township and by representatives of the other parties, and approved as to form by the Township Attorney;

WHEREAS, this Board has reviewed all the terms and conditions of these proposed agreements, and believes it is in the best interest of the Township, its residents and the residents of the community to enter into said agreements;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Township Attorney is authorized and directed to file a Motion to Intervene in the Lawsuit.
2. That this Board hereby approves the terms of the proposed Consent Judgment and authorizes and directs the Township Attorney to sign it on behalf of the Township.
3. That this Board hereby approves the terms of the proposed Mutual Release and Settlement Agreement and authorizes and directs the Supervisor to sign it on behalf of the Township.
4. That this Board hereby approves the terms of the proposed Driveway Approach Construction Agreement and authorizes and directs the Township Supervisor to sign it on behalf of the Township.
5. That this Board hereby approves the terms of the proposed Covenant Deed from York Township to York Crossing (Exhibit 2 to Consent Judgment) and authorizes and directs the Township Supervisor to sign the same on behalf of the Township.
6. That this Board hereby authorizes and directs the Township Attorney to obtain title insurance in the amount of \$100,000.00 for the property being deeded to the Township by TMA (Exhibit 1 to Consent Judgment.)
7. That this Board hereby authorizes minor changes to be made to the proposed documents, if approved by the Township's executive officers and the Township Attorney.

ROLL CALL VOTE:

AYES: MEIER, KIPLEY, ZURAWSKI, DONAHUE

NAYS: NONE

ABSENT: NEILL, KARTJE, BULMER

ABSTAIN: NONE