

RESOLUTION

NO: 2021-05-075

LIVINGSTON COUNTY

DATE: May 24, 2021

Resolution to Authorize Entry into a Consent Judgment in the Charter Township of Brighton Litigation for the Vacation of Land and Amendment to the Plat of the Brighton Country Club Annex Subdivision – Board of Commissioners

WHEREAS, on November 21, 2019, the Charter Township of Brighton filed a Complaint in the Livingston County Circuit Court (Case No. 19-30562-CH), seeking a Court Order to vacate portions of Thomas Avenue and a public alley in the Brighton Country Club Annex Subdivision, and to amend the Subdivision Plat to reflect the vacation of those portions of the land; and,

WHEREAS, Livingston County and the Livingston County Drain Commissioner, among numerous others, were named as Defendants in the litigation, as the County is the owner of a parcel of property that directly abuts the public alley, and the Drain Commissioner is statutorily required to be joined in a plat amendment case; and

WHEREAS, Livingston County, as the owner of property adjacent to the vacated public alley, is entitled by law to vesting of title in its name to one-half of the vacated portion of the public alley abutting its property; and

WHEREAS, the Drain Commissioner has no interest in reserving public utility easements for water service, storm water sewers, or sanitary sewers on and under the vacated Thomas Avenue or the public alley; and

WHEREAS, in answering the Township's Complaint, Livingston County and the Livingston County Drain Commissioner did not contest the vacation of land and the plat amendment; and

WHEREAS, the Township has proposed a Consent Judgment by which portions of Thomas Avenue and the public alley are to be vacated, and the plat amended accordingly, including the vesting of title in Livingston County to one-half of the vacated portion of the public alley abutting its property.

THEREFORE, BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves entry into a Consent Judgment in the Charter Township of Brighton litigation, by which title to one-half of the vacated portion of the public alley that abuts the property owned by Livingston County is vested in the County and reflected in an amended plat; and

BE IT FURTHER RESOLVED that Civil Counsel is authorized to sign the proposed Consent Judgment, and the Chairperson of the Livingston County Board of Commissioners is authorized to sign all forms, assurances, contracts/agreements, and other documents related to the above upon review and/or preparation of Civil Counsel.

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**MOVED:
SECONDED:
CARRIED:**