

September 26, 2022

A regular meeting of the City Council was held on Monday, September 26, 2022, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Pamela Hall

Councilmen absent: Marty Wazbinski

MINUTES

Approval of the minutes of the regular meeting of September 12, 2022 was offered by Councilman Hall and seconded by Councilman Brown Wilhelm. (Motion ADOPTED)

CULTURAL AWARENESS MONTH

Communications Coordinator Katie Guyer introduced Katie Miller representing the Cultural Awareness Coalition of the Midland Area Community Foundation who accepted the proclamation. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky.

RESOLVED, that the Mayor is authorized to issue a proclamation designating October 1 – 31, 2022 as Cultural Awareness Month in the city of Midland.(Motion ADOPTED.)

FIRE PREVENTION WEEK

Fire Chief Joshua Mosher presented information on Fire Prevention Week 2022 and also accepted a proclamation. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm.

RESOLVED, that the Mayor is authorized to issue the attached proclamation designating the week of October 9-15, 2022, as fire prevention week in Midland. (Motion ADOPTED.)

PUBLIC COMMENT

Jim Johnson 4712 Moorland Dr. commented on flooding in the Moorland area.

REQUEST FROM LARKIN TOWNSHIP FOR ADDITIONAL WATER ALLOCATION UNDER THE URBAN COOPERATION ACT AGREEMENT

City Manager Brad Kaye presented information on a request from Larkin Township for additional water allocation under the Urban Cooperation Act Agreement. Larkin Township Supervisor Maria Sandow, Bob Wolf Midland County Health Department, Kelly Wall 3393 Graystone Pl., David Rapanos 16 Pinehaven Cir., John Elsen 6106 Sturgeon Pkwy., Lisa Benter Rich, Jim Johnson 4712 Moorland Dr. commented on the information presented regarding Larkin Township's request for additional water allocation. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm.

WHEREAS, on April 19, 2022 Larkin Township Supervisor Maria Sandow formally requested 592 additional water connections to provide for continued residential development in Larkin Township; and

WHEREAS, City Council has received and considered the contents of the City Manager's report outlining the history of water provision, water policies and water agreements between the City of Midland and Larkin Township; now therefore
RESOLVED, that the City Manager's report is hereby received. (Motion ADOPTED.)

ANNEXATION JL-22-03

Director of Planning and Community Development Jacob Kain presented information on the annexation request for property located at 2025 N. Jefferson Rd. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Mayor Donker.

RESOLVED, that the City Council of the City of Midland herewith approves the annexation of the following described property to the City of Midland:

DESCRIPTION OF PIN #090-028-400-038-00:

SEC 28 T15N R2E COM 40 FT N OF SE SEC COR, TH W 462.5FT, N 194 FT,
E 462.5 FT, S 194 FT.

Containing 2.05 acres, more or less, and being subject to restrictions, reservations, easements, right-of-ways, zoning, government regulations, and matters visible, if any, upon affecting said lands.

pursuant to Section 9(8) of Public Act 279 of the State of Michigan of 1909, as amended {MSA 5.2088; MCLA 117.9} as a result of a similar petition filed both with the City of Midland and Larkin Township by the property owners who hold 100 percent of the record legal title to said property, and upon which no qualified electors presently reside, with said annexation to the City of Midland to be accomplished upon the passage of a similar resolution by the Township Board of Larkin Township; and;

RESOLVED FURTHER, that the Planning Department shall forward a copy of this resolution to the Office of the Great Seal in the Secretary of State's Office, and the City Clerk shall forward a copy to the Midland County Clerk. (Motion ADOPTED.)

TRANSPORTATION ASSET MANAGEMENT PLAN

City Engineer Matt Lemon presented information about the acceptance and certification of the City of Midland's Transportation Asset Management Council (TAMC) Transportation Asset Management Plan (TAMP) for submittal as prepared by OHM Advisors. Jim Borin 2001 Ramble Ln. commented on road conditions. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm.

WHEREAS, Public Act 325 of 2018 requires local agencies with over 100 miles of public roadways to submit an asset management plan to the State of Michigan; and

WHEREAS, the City of Midland has approximately 233 certified centerline miles of public streets; and

WHEREAS, the City of Midland is required to submit a plan to the Transportation Asset Management Council (TAMC) no later than October 1, 2022; and

WHEREAS, OHM Advisors of Midland, Michigan has prepared the City's required Transportation Asset Management Council (TAMC) Transportation Asset Management Plan (TAMP) as directed by the contract approved by City Council at the regular meeting on May 9, 2022; and

WHEREAS, City staff has worked closely with OHM Advisors throughout this process and has reviewed the final TAMP; now therefore

RESOLVED, that the City's required Transportation Asset Management Council (TAMC) Transportation Asset Management Plan (TAMP) is hereby accepted for filing and for the required submittal to the State of Michigan; and

RESOLVED FURTHER, that the Mayor and other required parties are authorized to sign the associated Proof of Acceptance for submittal to the State of Michigan. (Motion ADOPTED.)

BOO BASH IN DOWNTOWN MIDLAND

The following resolution Councilman Hall and seconded by Councilman Brown Wilhelm

RESOLVED, that the request to host the second annual Boo Bash – Downtown Midland’s Halloween Party, on October 28, 2022. The Administrative Staff has reviewed the request and recommends approval subject to the following conditions:

- The responsible party and contact number for the event date is Renee Smith, (989) 837-3303.
- The Parks Department has tentatively reserved fencing and trash receptacles for this event. The event organizer needs to contact Melissa Farley (mfarley@midland-mi.org) to complete the reservation process.
- The City of Midland Engineering Department will write the Traffic Control Order.
- Department of Public Services will provide barricades per Engineering’s Traffic Control Order.
- Event coordinator is responsible to placing and removing barricades.
- Maintain a minimum 20-ft wide fire lane on Main Street and up to the tent on McDonald Street.
- The area adjacent to any door used for egress from a building shall be kept clear of obstructions.
- The immediate areas adjacent to fire hydrants (3-ft radius) and building Fire Department Connections shall be kept clear.
- The event organizers shall have someone in charge of moving the barricades for emergency access.
- A tent permit for the 30x60 tent will be required. A copy of the tent permit can be found at <https://cityofmidlandmi.gov/987/Fire-Department-Permit-Applications> or contact Fire Marshal John Jurek at (989) 837-3410 or jjurek@midland-mi.org for a copy of the permit.

RESOLVED FURTHER, that the Administrative Staff is hereby authorized to approve future requests for the event provided if conducted in substantially the same manner. (Motion ADOPTED.)

ZONING PETITION NO. 640

Director of Planning and Community Development Jacob Kain presented information on Zoning Petition No. 640. The following ordinance previously offered by Councilman Brown Wilhelm and seconded by Mayor Donker.

ORDINANCE NO. 1865

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE RC – REGIONAL COMMERCIAL, RA-4 SINGLE FAMILY AND TWO FAMILY, AND RA-1 SINGLE FAMILY DISTRICTS WHERE TOWNSHIP ZONING DISTRICTS PRESENTLY EXIST.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

PART OF THE NORTHWEST 1 / 4 AND SOUTHWEST 1 / 4, SECTION 1, T14N -R01 E, HOMER TOWNSHIP, MIDLAND COUNTY, MICHIGAN. BEING FURTHER DESCRIBED AS COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 1; THENCE ALONG THE WEST SECTION LINE N00°11' 45"E, 791.89' TO THE POINT OF BEGINNING; THENCE CONTINUING N00°11' 45"E, 50.00'; THENCE ALONG THE NORTH RIGHT-OF-WAY OF HERBERT ROAD S89°31'57"E, 462.01'; THENCE N00°11' 45"E, 216.26'; THENCE N89°31'57"W, 132.00'; THENCE N00°11' 45"E, 85.00'; THENCE N00°11' 45"E, 34.67'; THENCE N00°11' 45"E, 59. 98'; THENCE N00°11' 45"E, 104. 72'; THENCE N89°31' 57"W, 330.00'; THENCE N00°11' 45"E, 72.00'; THENCE S89°31'57"E, 330.00'; THENCE N00°11' 45"E, 374.57'; THENCE S89°31' 57"E, 97.00'; THENCE S89°30'00"E, 19. 99'; THENCE S89°32'00"E, 877.47'; THENCE S00°21' 27"W, 469.66'; THENCE S89°41'11 "E, 923.80'; THENCE S00°29'20"W, 1323.24' TO THE EAST-WEST 1/4 LINE; THENCE ALONG THE EAST-WEST 1/4 LINE N89°30'53"W, 921.82' TO A FOUND PIPE WITH CAP #29241; THENCE CONTINUING ALONG THE EAST- WEST 1 / 4 LINE N89°29'12"W, 211.81'; THENCE S33°15'23"W, 161.69' TO THE NORTHERLY RIGHT-OF-WAY OF SAGINAW ROAD; THENCE ALONG SAID RIGHT-OF-WAY N56°43'14"W, 210.06'; THENCE N30°48'42"E, 266.24'; THENCE N89°48'15"W, 211.00'; THENCE S00°11' 45"W, 180.00' TO THE NORTHERLY RIGHT-OF-WAY OF SAGINAW ROAD; THENCE ALONG SAID RIGHT-OF-WAY N56°43'14"W, 403. 78'; THENCE N00°11' 45"E, 415.30'; THENCE S89°31' 57"E, 221.37'; THENCE N00°11' 45"E, 132.00'; THENCE ALONG THE SOUTH RIGHT-OF-WAY OF HERBERT ROAD N89°31'57"W, 649.99' TO THE POINT OF BEGINNING. EXCEPT PARCELS 040-001-200-390-00 AND 040-001-200-400-00 BEING DESCRIBED AS:

PART OF THE NORTHWEST 1 / 4 SECTION 1, T14N - R01 E, HOMER TOWNSHIP, MIDLAND COUNTY, MICHIGAN. BEING FURTHER DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 1; THENCE ALONG THE WEST SECTION LINE S00°11' 45"W, 1608. 94; THENCE PERPENDICULAR TO SAID WEST SECTION LINE, S89° 45'15"E, 514.00' TO THE POINT OF BEGINNING; THENCE N00° 11' 45"E, 132.00'; THENCE S89° 48'15"E, 132.00'; THENCE S00° 11' 45"W, 132.00'; THENCE N89° 48'15"E, 132.00' TO THE POINT OF BEGINNING.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Ordinance ADOPTED YEAS: Brown Wilhelm, Donker, Hall. NAYS: Arnosky. ABSENT: Wazbinski)

BRUSH CHIPPER FOR FORESTRY AND PARKS AND RECREATION

The following resolution was offered by Councilman Hall and seconded by Councilman Brown Wilhelm.

WHEREAS, bids for commercial brush chippers are solicited by the Sourcewell Cooperative Purchasing Program on a biannual basis and the City of Midland is authorized to make purchases from this cooperative purchasing program; and
WHEREAS, sufficient funding for the purchase of one brush chipper is included in the FY 2022-23 Equipment Revolving Fund Capital Outlay account as a replacement for an existing aging, high maintenance unit used by the Forestry and Parks Department; now therefore
RESOLVED, that the Accounting Manager is authorized to issue a purchase order to Sourcewell's selected vendor, Morbark Direct Sales of Winn, Michigan in the amount of

\$70,627.60 for the purchase of one brush chipper, all in accordance with the associated cooperative purchasing program's proposals and specifications. (Motion ADOPTED.)

CURRIE STADIUM DEMOLITION

The following resolution was offered by Councilman Hall and seconded by Councilman Brown Wilhelm.

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Bid No. 4265 Currie Stadium Demolition; and WHEREAS, there are adequate funds committed to the project in FY 2022/23 for both the base bid and the alternative option to remove the stadium and the associated ballfield light poles; now therefore

RESOLVED, that City Council authorizes the Mayor and City Clerk to sign and execute a contract, upon review and approval of the City Attorney, with the low bidder, Dore & Associates, Inc. of Bay City, Michigan for the project; and

RESOLVED FURTHER, that City Council authorizes the Accounting Manager to issue a purchase order to Dore & Associates, Inc. of Bay City, Michigan not to exceed \$83,000.00 for the demolition of Currie Stadium and the removal of the associated ballfield light poles, all in accordance with the proposal and City specifications; and

RESOLVED FURTHER, that the City Manager is authorized to approve change orders in an aggregate amount not to exceed \$10,000.00. (Motion ADOPTED.)

OFFICE FURNITURE FOR CITY HALL

The following resolution was offered by Councilman Hall and seconded by Councilman Brown Wilhelm.

WHEREAS, Phase III of the City Hall renovation project includes the purchase of office furniture including partition/cubicle walls, work stations, conference tables, task chairs and guest chairs and sufficient funds are included in the FY 2022-23 General Fund for the purchase; and WHEREAS, Space Inc. has been designated as the local vendor under a contract for office furniture awarded to Haworth through the State of Michigan MI-Deal cooperative purchasing program; now therefore

RESOLVED, that the Mayor and City Clerk, subject to document approval by the City Attorney, are authorized to execute the contract with Space Inc., Midland, Michigan, and further authorizes a purchase order to be issued in the amount of \$104,484.00 for the purchase of office furniture and cubicle walls in accordance with the terms of the cooperative bid awarded through the State of Michigan MI-Deal program. (Motion ADOPTED.)

CONDITIONAL USE PERMIT NO. 78

The following resolution was offered by Councilman Hall and seconded by Councilman Brown Wilhelm.

WHEREAS, Thomas and Corinne Provoast submitted a request for a conditional land use to permit a single family dwelling located at 4310 and 4314 Stonegate Drive; and WHEREAS, City Planning Department staff notified property owners and occupants within three hundred (300) feet of the subject property by transmitting notice on August 26, 2022 and publishing said notice on August 27, 2022 of the public hearing on September 13, 2022; and WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 28.02(A) of the Zoning Ordinance of the City of Midland on said conditional use; and WHEREAS, the Planning Commission has submitted its recommendation to approve the permit, in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that a public hearing will be held by the City Council on October 24, 2022, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the request for a Conditional Use Permit; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners and occupants within three hundred (300) feet of the proposed area by transmitting notice on or before September 30, 2022 and to publish said notice by September 30, 2022. (Motion ADOPTED.)

VACATION OF KEITH STREET

The following resolution was offered by Councilman Hall and seconded by Councilman Brown Wilhelm

WHEREAS, the Midland City Council, acting upon the request of Kris Remington and Wayne Hall for vacation of Keith Street, referred the matter to the Midland City Planning Commission and affected departments for report and recommendation; and

WHEREAS, a report has been received from the Midland City Planning Commission recommending vacation of Keith Street; and

WHEREAS, responses from each of the affected City Departments have been received indicating no objection to the vacation request; now therefore

RESOLVED, that the Midland City Council deems it advisable to consider the vacation of Keith Street; and

RESOLVED FURTHER, that October 24, 2022, at 7:00 p.m., is hereby appointed as the date and time the Midland City Council shall meet in the Council Chambers of City Hall in the City of Midland for the purpose of hearing any objections, suggestions, or recommendations concerning the vacation of said street, and that the City Clerk shall give notice of such hearing by causing a notice thereof, with a copy of this resolution, to be published in the Midland Daily News once each week for not less than three (3) weeks before the time appointed for such hearing with advertising dates on September 30, October 7, and October 14, 2022; and

RESOLVED FURTHER, that the City Clerk shall cause a copy of such notice and resolution to be sent by certified mail to each owner of property abutting the property proposed to be vacated, or whole access to their property would be prohibited thereby; and

RESOLVED FURTHER, that objections to such proposed action of the Council may be filed with the Clerk, in writing, at any time prior to the opening of the public hearing. (Motion ADOPTED.)

ZONING PETITION NO. 641

The following resolution was offered by Councilman Hall and seconded by Councilman Brown Wilhelm.

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, August 23, 2022, for property located at 3715 and 3719 N. Saginaw Road for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, from OS – Office Service to RC – Regional Commercial; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, October 24, 2022, at 7:00 p.m. in the Council Chambers, City Hall for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on or before September 30, 2022, and to publish said notice on September 30, 2022.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE RC – REGIONAL COMMERCIAL WHERE OS – OFFICE SERVICE PRESENTLY EXIST.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 7, T14N-R2E; THENCE N 87°55'19"W, 1334.83 FEET ALONG THE NORTH LINE OF SAID SECTION TO THE EAST 1/8 LINE OF SAID SECTION; THENCE S03°07'17"W 75.00 FEET ALONG SAID EAST 1/8TH LINE TO THE SOUTH LINE OF NORTH SAGINAW ROAD (FORMERLY US-10) AND THE POINT OF BEGINNING; THENCE CONTINUING S03°07'17"W 235.00 FEET ALONG SAID 1/8 LINE; THENCE N87°55'19"W 130.00 FEET, PARALLEL WITH THE NORTH SECTION LINE; THENCE N35°56'40"W 95.19 FEET; THENCE N03°07'17"E 160.00 FEET, PARALLEL WITH THE EAST 1/8 LINE, TO THE SOUTH LINE OF NORTH SAGINAW ROAD (FORMERLY US-10); THENCE S87°55'19"E 190.00 FEET, ALONG THE SOUTH LINE OF NORTH SAGINAW ROAD (FORMERLY US-10) TO THE POINT OF BEGINNING. CONTAINING 0.75 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY AND ALL EASEMENTS AND/OR RIGHTS-OF-WAY, WHETHER USED, IMPLIED, OR OF RECORD.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Motion ADOPTED.)

ZONING PETITION NO. 642

The following resolution was offered by Councilman Hall and seconded by Councilman Brown Wilhelm.

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, September 13, 2022, for property located at 5828 and 5910 N. Saginaw Road for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, to apply RC – Regional Commercial zoning where township zoning presently exists; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, October 24, 2022, at 7:00 p.m. in the Council Chambers, City Hall for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on or before September 30, 2022, and to publish said notice on September 30, 2022.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE

LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE RC – REGIONAL COMMERCIAL WHERE TOWNSHIP ZONING PRESENTLY EXIST.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

PART OF THE SOUTHEAST 1/4, FRACTIONAL SECTION 1, T14N - R01E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN. BEING FURTHER DESCRIBED AS COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION; THENCE N00°29'13"E ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION, 1490.44' TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF NORTH SAGINAW ROAD AND POINT OF BEGINNING; THENCE CONTINUING N00°29'13"E, 593.70'; THENCE S55°45'51"E, 1295.66' TO THE PERPETUATED SOUTH 1/8 LINE OF SAID SECTION; THENCE N89°55'17"W ALONG SAID PERPETUATED SOUTH 1/8 LINE, 871.81' TO SAID NORTHEASTERLY RIGHT-OF-WAY; THENCE N56°44'22"W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY, 244.45' TO THE POINT OF BEGINNING. CONTAINING 8.68 ACRES, MORE OR LESS AND IS SUBJECT TO ANY AND ALL EASEMENTS AND/OR RIGHTS OF WAY WHETHER USED, IMPLIED OR OF RECORD.

AND

PART OF THE SOUTHEAST 1/4, FRACTIONAL SECTION 1, T14N - R01E, CITY OF MIDLAND, MIDLAND COUNTY, MICHIGAN. BEING FURTHER DESCRIBED AS COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION; THENCE N00°29'13"E ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION, 1356.65' TO THE PERPETUATED SOUTH 1/8 LINE; THENCE ALONG SAID PERPETUATED SOUTH 1/8 LINE, S89°55'17"E, 202.60' TO THE POINT OF BEGINNING; THENCE CONTINUING S89°55'17"E, 623.37'; THENCE S34°31'34"W, 341.88'; THENCE N56°40'11"W, 514.17' TO THE POINT OF BEGINNING. CONTAINING 2.02 ACRES, MORE OR LESS AND IS SUBJECT TO ANY AND ALL EASEMENTS AND/OR RIGHTS OF WAY WHETHER USED, IMPLIED OR OF RECORD.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Motion ADOPTED.)

ZONING PETITION NO. 643

The following resolution was offered by Councilman Hall and seconded by Councilman Brown Wilhelm.

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, September 13, 2022, for property located at 7110 and 7114 N. Perrine Road for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, to apply RA-4 Single Family and Two Family Residential zoning where township zoning presently exists; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, October 24, 2022, at 7:00 p.m. in the Council Chambers, City Hall for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning

Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and
RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on or before September 30, 2022, and to publish said notice on September 30, 2022.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE RA-4 SINGLE FAMILY AND TWO FAMILY RESIDENTIAL WHERE TOWNSHIP ZONING PRESENTLY EXIST.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

SEC 31 T15N R2E COM 105 FT N OF CEN OF SEC, TH N 105 FT, E 220 FT, S 105 FT, W 220 FT. CONTAINING 0.530 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS.

AND

SEC 31 T15N R2E COM 210 FT N OF CEN OF SECTION, TH N 156 FT, E 220 FT, S 156 FT, W 220 FT. CONTAINING 0.530 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Motion ADOPTED.)

ZONING PETITION NO. 644

The following resolution was offered by Councilman Hall and seconded by Councilman Brown Wilhelm.

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, September 13, 2022, for property located at 6719 N. Perrine Road for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, to apply RA-1 Single Family Residential zoning where township zoning presently exists; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, October 24, 2022, at 7:00 p.m. in the Council Chambers, City Hall for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on or before September 30, 2022, and to publish said notice on September 30, 2022.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE RA-1 SINGLE FAMILY RESIDENTIAL WHERE TOWNSHIP ZONING PRESENTLY EXIST.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

THE NORTH 28 FEET OF THE FOLLOWING DESCRIBED PARCEL: A PART OF THE SOUTHWEST 1/4 OF SECTION 31, T15N, R2E, DESCRIBED AS: BEGINNING SOUTH 00°00'00" WEST ALONG THE NORTH-SOUTH 1/4 LINE, 968.20 FEET AND NORTH 89°11'59" WEST 320 FEET FROM THE INTERIOR 1/4 CORNER OF SAID SECTION 31; THENCE NORTH 89°11'59" WEST 98 FEET; THENCE NORTH 00°00'00" EAST 200.2 FEET; THENCE SOUTH 89°11'59" EAST 98 FEET; THENCE SOUTH 00°00'00" WEST 200.2 FEET BACK TO THE PLACE OF BEGINNING.

CONTAINING 0.06 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS

AND

PART OF THE SOUTHWEST 1/4 OF SECTION 31, T15N, R2E, DESCRIBED AS: BEGINNING SOUTH 00°00'00" WEST, ALONG THE NORTH-SOUTH 1/4 LINE, 318.00 FEET FROM THE INTERIOR 1/4 CORNER OF SAID SECTION 31; THENCE CONTINUING SOUTH 00°00'00" WEST, ALONG SAID NORTH-SOUTH 1/4 LINE, 28.00 FEET; THENCE NORTH 89°11'59" WEST, PARALLEL TO THE SOUTH 1/8 LINE, 250.00 FEET; THENCE NORTH 00°00'00" EAST, PARALLEL TO SAID NORTH-SOUTH 1/4 LINE, 28.00 FEET; THENCE SOUTH 89°11'59" EAST PARALLEL TO SAID SOUTH 1/8 LINE, 250.00 FEET BACK TO THE PLACE OF BEGINNING.

CONTAINING 0.16 ACRES, MORE OR LESS, AND BEING SUBJECT TO RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHT-OF-WAYS, ZONING, GOVERNMENT REGULATIONS, AND MATTERS VISIBLE, IF ANY, UPON AFFECTING SAID LANDS.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Motion ADOPTED.)

Being no further business the meeting adjourned at 9:41 p.m.

Lacey Todd, City Clerk