

CITY OF CHARLEVOIX  
Ordinance No.732 of 2008

MDEQ REF# ORD-RRD-213-08-001

AN ORDINANCE TO AMEND SECTION 2.71(3) OF CHAPTER 22A: CITY WATER SERVICE-EXCLUSIVE WATER SOURCE OF TITLE II OF THE CODE OF THE CITY OF CHARLEVOIX BY REVISING THE LEGAL DESCRIPTION OF THE IMPACT AREA CONTAINED IN SECTION 2.71 (3)

THE CITY OF CHARLEVOIX ORDAINS:

**SECTION 1. Amendment of Section 2.71 (3) of Chapter 22A of the City Code.**

A. Section 2.71 (3) of Chapter 22A is amended to read as follows:

- (3) "Impact area" means the property located within the City of Charlevoix, Charlevoix County, Michigan, and described as follows (and also illustrated in the attached map):

In the City and Township of Charlevoix, Charlevoix County, Michigan.

Commencing at the North 1/4 corner of Section 35, Town 34 North, Range 8 West; thence South on North and South 1/4 line of said section 1138.50 feet; thence South 89°39'00" East 303.00 feet, more or less, to the Westerly line of the former C&O Railroad right-of-way, being the POINT OF BEGINNING of this description; thence continuing South 89°39'00" East 350 feet, more or less, to the shore of Lake Charlevoix; thence Southerly along said shore to the thread of Stover Creek; thence Westerly along the thread of Stover Creek to the Easterly line of former Highway M-66; thence Northerly along said highway 469.20 feet, more or less, to the centerline of Stover Road; thence West along said centerline of Stover Road to a point which is 1162.26 feet East of the centerline of May Street; thence North 330.00 feet; thence East 62.44 feet; thence North 165.00 feet; thence East 260.75 feet to the Northwesterly line of the former C&O Railroad right-of-way; thence Northeasterly along said railroad right-of-way to the POINT OF BEGINNING; being a part of Government Lot 1, Section 35, Town 34 North, Range 8 West. The above described property extends to the water's edge of Lake Charlevoix. (This area is called Impact Area A on the attached map)

AND ALSO:

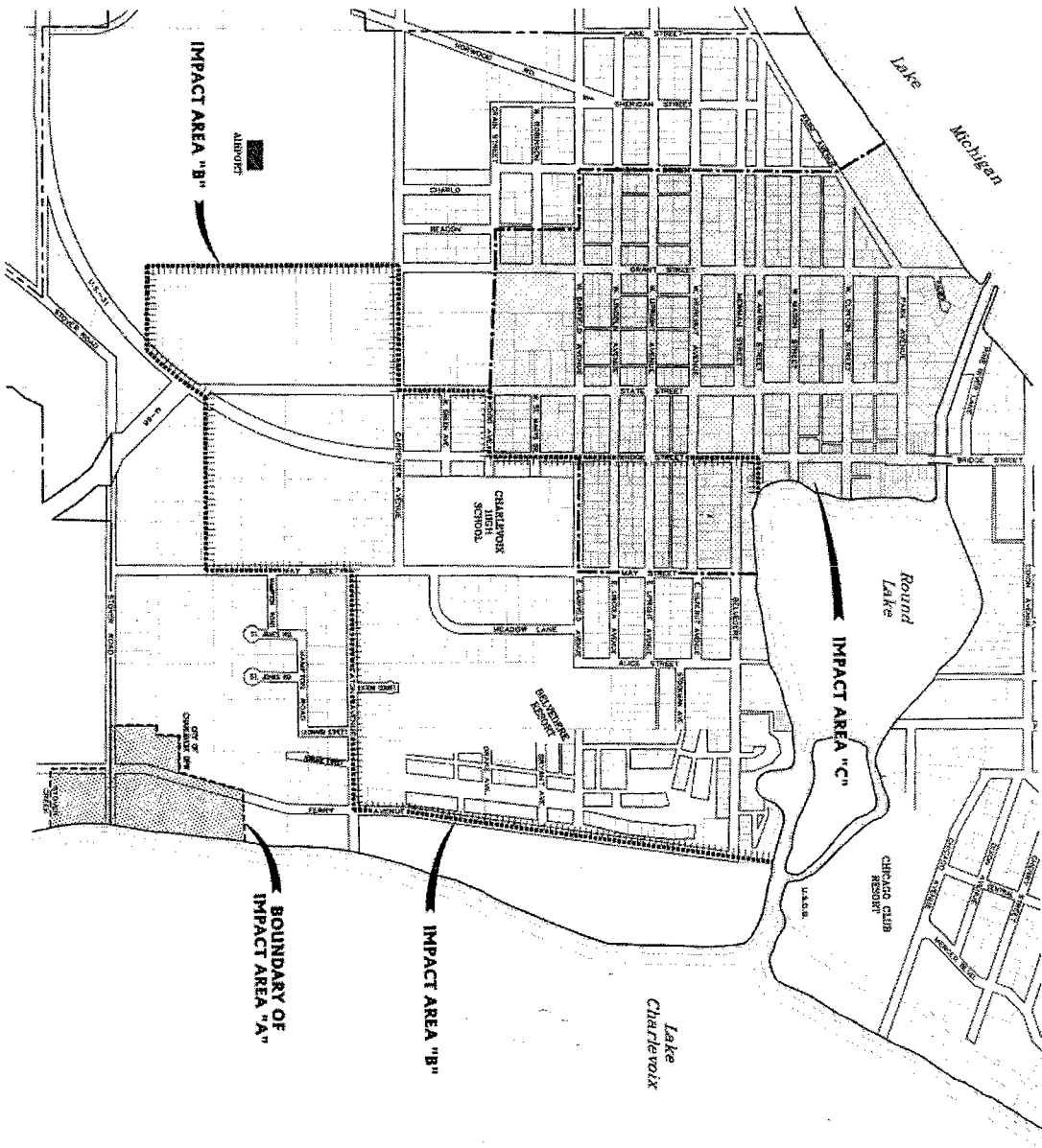
Part of Sections 26, 34 and 35, T34N, R8W, City of Charlevoix, Charlevoix County, Michigan, more fully described as: BEGINNING at the Northeast corner of Section 34, said corner being at the intersection of State Street and Carpenter Avenue; thence West along the centerline of Carpenter Avenue to the intersection of Grant Street; thence South 1906 feet; thence East to the centerline of US-31; thence northeasterly along the centerline of US-31 to a point that is 1419 feet south of the North line of Section 35; thence East, parallel with the North line of Section 35 to the centerline of May Street; thence North along the centerline of May Street to the intersection of Eaton Avenue; thence East along the centerline of Eaton Avenue to the intersection of Ferry Avenue; thence northerly along the centerline of Ferry Avenue and its extension to the south shore of channel between Lake Charlevoix and Round Lake; thence westerly along said south shore to the intersection of Antrim Street extended; thence West along the centerline of Antrim Street to the intersection of Bridge Street; thence South along the centerline of Bridge Street to the intersection of Wood Avenue; thence West along the centerline of Wood Avenue to the intersection of State Street; thence South along the centerline of State Street to the intersection of Carpenter Avenue and the POINT OF BEGINNING. (This area is called Impact Area B on the attached map)

AND ALSO:

A part of the West 1/2 of Section 26, and a part of the East 1/2 of Section 27, all in T.34N.-R.8W., City of Charlevoix, Charlevoix County, Michigan, described as follows; Commencing at the South Section Corner common to said Sections 26 and 27, also being the intersection of the centerline of State Street with the centerline of West Carpenter Avenue; thence North along the Section Line common to said Sections 26 and 27, which is also the centerline of State Street, 672.9 feet to the centerline of Wood Avenue and the POINT OF BEGINNING of this description; thence West 898.5 feet to the intersection of the centerline of Grant Street with centerline of Crain Street; thence continuing West along the centerline of Crain Street 288.1 feet to centerline of Beacon Street; thence North parallel with Grant Street 614.5 feet to the centerline of West Garfield Avenue; thence West along the centerline of West Garfield Avenue 474.9 feet to the centerline of Sherman Street; thence North along the centerline of Sherman Street 1930.1 feet to the centerline of Park Avenue; thence N.34°W. to the shore of Lake Michigan; thence Northeasterly along the shore of Lake Michigan extended to the south bulkhead of the Pine River channel; thence Southeasterly along the south bulkhead of the Pine River channel to Round Lakes' westerly bulkhead; thence Southerly along said bulkhead to the southerly bulkhead of Round Lake; thence Easterly along the southerly bulkhead and/or shore of Round Lake to the north extension of the centerline of May Street; thence South along said north extension of the centerline of May Street to the intersection of the centerline of May Street with the centerline of Belvedere Avenue; thence continuing South along the centerline of May Street 1165.5 feet to the centerline of East Garfield Avenue; thence West along the centerline of East Garfield Avenue 837.3 feet to the centerline of Bridge Street; thence South along the centerline of Bridge Street 643.5 feet to the centerline of Wood Avenue; thence West along the centerline of Wood Avenue 487.1 feet to the centerline of State Street and the POINT OF BEGINNING. (This area is called Impact Area C on the attached map)

Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.

**IMPACT AREA MAP**



City of Charlevoix

**SITE PLAN**

SCALE: 1" = 200'



NOT BE HELD RESPONSIBLE IN ANY MANNER FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION CONTAINED HEREIN. THE USER OF THIS INFORMATION SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND FOR OBTAINING ALL NECESSARY INFORMATION FROM THE APPROPRIATE AGENCIES AND FOR OBTAINING ALL NECESSARY INFORMATION FROM THE APPROPRIATE AGENCIES AND FOR OBTAINING ALL NECESSARY INFORMATION FROM THE APPROPRIATE AGENCIES.

<b>IMPACT AREAS A, B, &amp; C</b> Chapter 22A of the Charlevoix City Code	Location: CITY OF CHARLEVOIX CHARLEVOIX COUNTY MICHIGAN	Date: 04-15-06 Scale: 1" = 400'	Drawn By: TLR Checked By: KCC	No. Date: _____ Revision: _____ By: _____	<b>Rosling Construction, Inc.</b> 414 S. WISCONSIN ST. #101 CHARLEVOIX, MI 49822 TEL: 231-547-2222 FAX: 231-547-2223 WWW: WWW.ROSLINGCONSTRUCTION.COM	• Engineering • Surveying • Environmental • Civil • Landscape Architecture
	Project No.: _____ Drawing No.: _____ Sheet: _____ of _____					

**SECTION 2. Severability.**

No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held in valid for any reason, such invalidation shall not be construed to affect the validity of any other part of portion of this ordinance or of the Code of the City of Charlevoix, Michigan.

**SECTION 3. Effective Date.**

This Ordinance shall become effective thirty (30) days after its enactment.

ENACTED this 21<sup>st</sup> day of July, 2008.

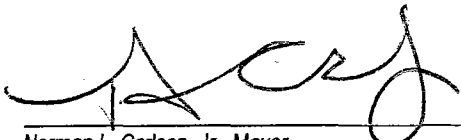
Ordinance No. 732-2008 was adopted on the 21<sup>st</sup> day of July 2008, by the Charlevoix City Council as follows:

Motion by: Councilmember Sherm Chamberlain  
Seconded by: Councilmember Gabe Campbell

Yeas: Picha, Stevens, Campbell, Chamberlain, Gennett, Kusina  
Nays: None  
Absent: None

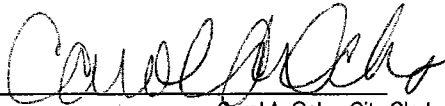
STATE OF MICHIGAN )  
 ) ss  
CITY OF CHARLEVOIX )

  
\_\_\_\_\_  
Carol A. Ochs, City Clerk

  
\_\_\_\_\_  
Norman L. Carlson, Jr., Mayor

I certify that this is a true copy of Ordinance No. 732 that was adopted at a regular meeting of the Charlevoix City Council on July 21, 2008 and published in the *Charlevoix Courier* on July 30, 2008.


Dated: 7/30/08

  
\_\_\_\_\_  
Carol A. Ochs, City Clerk

CERTIFICATION

I, the undersigned, the Clerk of the City of Charlevoix, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 732 of 2008 adopted by the City Council of the City of Charlevoix, County of Charlevoix, State of Michigan, at a regular meeting held on July 21<sup>st</sup>, 2008 and published in the *Charlevoix Courier* on July 30<sup>th</sup>, 2008, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of the Michigan Public Acts of 1976.

Dated: 08/06/2008

  
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Carol A. Ochs, Clerk



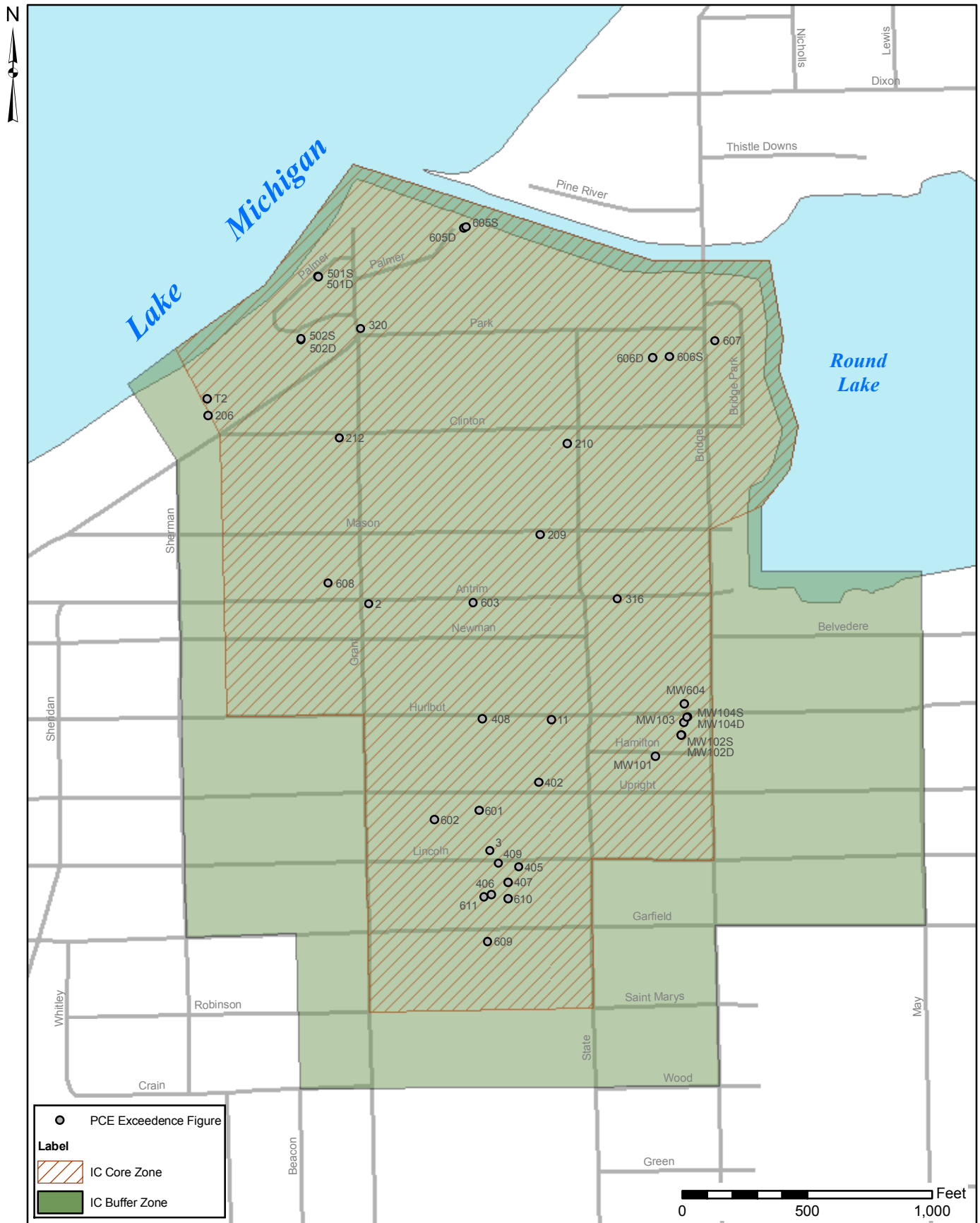


Figure 7 IC Map Showing Core and Buffer Zones