



## **Memo**

To: Honorable Mayor Armitage; City Council  
From: Bryan Myrkle, Community Development Director  
Date: September 16, 2022  
Re: Staff report on easement acquisitions for Beach Airport obstruction removal

### **Background**

As City Council members know, the City is engaged in a process to acquire easements over several properties located in proximity to the Charlotte airport. The purpose is to enable the removal of trees that threaten the airport approach.

The city's representative in this process, Tim Davis of 4DAcquisitions, has negotiated the purchase of the next of these easements, with the owners of parcel E20 (1671 Lansing Road), JRRS Investments. The purchase of easement plus closing costs \$31,118.00. If approved at your meeting on September 19, the close would be scheduled for September 27.

This represents the second of 4 parcels necessary to complete the project.

### **Recommendation**

It is my recommendation the City of Charlotte move forward with the acquisition of this aviation easement as negotiated on our behalf by Time Davis and 4DAcquisitions.

### **Financial Impacts**

The financial impact of these easement acquisitions will be limited to 5% of their total cost, including not just purchase, but also title work, negotiation and consultation. The balance of the expense will be borne by the state and federal government. The funds used will not be available for other projects at the airport. However, this is unlikely to result in the City taking on these projects at its own expense; rather, it will result in any other projects being delayed until there are sufficient state and federal funds in place again.

### **Suggested Motion**

See Resolution

**CITY COUNCIL RESOLUTION NO. 2022-**

**A RESOLUTION TO AUTHORIZE THE PURCHASE OF AN AVIGATION EASEMENT THAT WOULD ALLOW FOR THE REMOVAL OF OBSTRUCTIONS IN THE FITCH H BEACH MUNICIPAL AIRPORT RUNWAY APPROACH AREA**

WHEREAS, The City of Charlotte is the owner and sponsor of the Fitch H. Beach Municipal Airport; and

WHEREAS, The City of Charlotte has made assurances to the Michigan Department of Transportation Bureau of Aeronautics and Federal Aviation Administration that it will maintain the airport in safe and operable condition; and

WHEREAS, The City of Charlotte's areas of responsibility for the airport extend beyond the boundaries of the airfield into approach areas; and

WHEREAS, trees and other vegetation have grown into certain approach areas, becoming hazardous obstacles that require removal; and

WHEREAS, The City of Charlotte must establish rights to remove these obstructions through the acquisition of permanent avigation easements that include the affected airspace; and

WHEREAS, Tim Davis and 4DAcquisitions have represented the City of Charlotte in its negotiations toward purchasing these easements; and

WHEREAS, the owner of a portion of the affected airspace has agreed to terms for the purchase of the necessary and permanent airspace rights by the City of Charlotte; and

WHEREAS, this airspace is associated with the physical street addresses of 1671 Lansing Road, Charlotte, Michigan, more specifically described in other documents associated with the acquisition; and

WHEREAS, the City of Charlotte City Council understands that 95 percent of the cost of this real estate transaction will be reimbursed by the state and federal government.

THEREFORE, the City Council of the City of Charlotte hereby authorizes the purchase of an avigation easement from JRRS Investments, LLC, in the amount of \$30,000.

BE IT FURTHER RESOLVED that the City Council of the City of Charlotte also intends to pay other fees and taxes associated with the acquisition in the amount of \$1,118.00.

BE IT FURTHER RESOLVED that the City Council of the City of Charlotte hereby authorizes City of Charlotte staff, as well as Mayor Michael Armitage and City Clerk Mary LaRocque to review and execute those documents necessary to complete the purchase and acquisition of this avigation easement.



**Lighthouse Title Agency  
Thornapple River, LLC  
136 E. State Street, Suite A  
Hastings, MI 49058  
Phone: (269)945-9770  
Fax: (269)945-9771**

**DISCLOSURE AND ACKNOWLEDGMENT**

Order No.: HA22-08541430  
Date: September 27, 2022  
Reference: The City of Charlotte, a Michigan municipal corporation/JRRS Investments, LLC, a Michigan limited liability company  
Property Address: 1671 Lansing Rd, Charlotte, MI 48813

By signing this statement the undersigned acknowledge the following:

1. That all closing documents prepared by Lighthouse Title Agency - Thornapple River, LLC are prepared at the discretion and request of the parties to the transaction, their real estate agent(s)/broker(s) or attorney(s);
2. That Lighthouse Title Agency - Thornapple River, LLC is not acting as our agent, attorney, representative or fiduciary, at this real estate closing;
3. That Lighthouse Title Agency - Thornapple River, LLC's employee who has attended this closing represents only Lighthouse Title Agency - Thornapple River, LLC;
4. That Lighthouse Title Agency - Thornapple River, LLC's employee has identified certain documents to us and offered NO legal advice as to the meaning or effect of the documents. We understand that any of Lighthouse Title Agency - Thornapple River, LLC's employee's statements about the documents are not legal advice to us. If we have an attorney, that attorney is our only attorney in this transaction;
5. That we have either read all of the closing documents or are responsible for our own failure to have read them. We understand that Lighthouse Title Agency - Thornapple River, LLC is not responsible for explaining to us the effect of the documents we have signed;
6. That the title policy, when issued, will contain all of the exceptions noted on the commitment, unless such exceptions are removed to the satisfaction of Lighthouse Title Agency - Thornapple River, LLC;
7. That we have read this statement and understand it.

**Borrower(s):**

The City of Charlotte, a Michigan municipal corporation

BY: \_\_\_\_\_  
Michael Armitage  
Mayor

BY: \_\_\_\_\_  
Mary LaRocque  
City Clerk

**Seller(s):**

JRRS Investments, LLC, a Michigan limited liability company

BY: \_\_\_\_\_  
Rita Salmo  
Sole Member

**Disclosure And Acknowledgment**  
(Continued)



**Lighthouse Title Agency  
Thornapple River, LLC  
136 E. State Street, Suite A  
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Phone: (269)945-9770  
Fax: (269)945-9771**

## **ACKNOWLEDGMENT OF WAIVER OF INSPECTIONS**

**DATE:** September 27, 2022

**HA22-08541430**

**PROPERTY:** 1671 Lansing Rd  
Charlotte, MI 48813

**SELLER(S):** JRRS Investments, LLC, a Michigan limited liability company

**PURCHASER(S):** The City of Charlotte, a Michigan municipal corporation

The undersigned purchasers and sellers of the above referenced property hereby acknowledge that they have been advised by the selling broker and/or listing broker and agents of same to obtain inspections on the above-referenced property as noted below:

### **WAIVED**

	<b>YES</b>	<b>NO</b>
<b>Water/Septic Inspection</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Termite Inspection</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Electrical, Plumbing, Heating Inspections</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Structural Inspection</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Survey</b>	<input type="checkbox"/>	<input type="checkbox"/>

Purchasers and sellers hereby acknowledge and agree that they have chosen not to obtain the inspections as noted above and hereby release the selling broker and/or the listing broker and agents, Fidelity National Title Insurance Company, and Lighthouse Title Agency - Thornapple River, LLC and employees from any and all responsibility and/or liability concerning or pertaining to such matters that may or may not have been determined as the result of any inspections noted above.

**Purchaser(s):**

**The City of Charlotte, a Michigan municipal corporation**

**BY:** \_\_\_\_\_  
**Michael Armitage**  
**Mayor**

**BY:** \_\_\_\_\_  
**Mary LaRocque**  
**City Clerk**



**Lighthouse Title Agency  
Thornapple River, LLC  
136 E. State Street, Suite A  
Hastings, MI 49058  
Phone: (269)945-9770  
Fax: (269)945-9771**

## **CLOSING AGREEMENT**

Order No: HA22-08541430  
Date: September 27, 2022  
Reference: The City of Charlotte, a Michigan municipal corporation / JRRS Investments, LLC, a Michigan limited liability company  
Property Address: 1671 Lansing Rd, Charlotte, MI 48813

It is agreed, between the Purchaser(s) and Seller(s) of this property that all contingencies and addendums to the Offer to Purchase thereto, dated August 8, 2022 have been met or are hereby resolved or removed to the satisfaction of the parties concerned.

Purchaser(s) understand and acknowledge that he/she/they are buying the property "As Is" condition and that neither the Seller(s) nor Realtor(s) make any warranties as to the land and structure purchased or the condition thereof.

**Purchaser(s):**

The City of Charlotte, a Michigan municipal corporation

BY: \_\_\_\_\_  
Michael Armitage  
Mayor

BY: \_\_\_\_\_  
Mary LaRocque  
City Clerk

**Seller(s):**

JRRS Investments, LLC, a Michigan limited liability company

BY: \_\_\_\_\_  
Rita Salmo  
Sole Member

# Buyer's Settlement Statement

Lighthouse Title Agency - Thornapple River, LLC  
 136 E. State Street  
 Suite A  
 Hastings, MI 49058  
 Phone: (269)945-9770 Fax: (269)945-9771

**Settlement Date:** 09/27/2022  
**Escrow officer/Closer:** Becky Olmstead  
**Order Number:** HA22-08541430  
**Buyer:** The City of Charlotte, a Michigan municipal corporation  
**Seller:** JRRS Investments, LLC, a Michigan limited liability company  
 1671 Lansing Rd  
 Charlotte, MI 48813

**Property location:** 1671 Lansing Rd  
 Charlotte, MI 48813

	Debit	Buyer Credit
<b>Financial Consideration</b>		
Sale Price of Property	30,000.00	
<b>Escrow/Title Charges</b>		
Title - Closing Fee (1/2 charged/Credit for Search Paid) to Lighthouse Title Agency - Thornapple River, LLC	275.00	
Title - Owner's Title Insurance to Lighthouse Title Agency - Thornapple River, LLC Coverage: 30,000.00 550.00 Version: ALTA Owners Policy (2006)	550.00	
<b>Recording Charges</b>		
Recording Fees to Eaton County Register of Deeds	35.00	
Transfer Tax to Eaton County Register of Deeds	258.00	
<b>Subtotals</b>	<b>31,118.00</b>	
<b>Balance Due FROM Borrower</b>		<b>31,118.00</b>
<b>TOTALS</b>	<b>31,118.00</b>	<b>31,118.00</b>

**Acknowledgement**

We/I have carefully reviewed the Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the Settlement Statement. We/I authorize the funds to be disbursed in accordance with this statement.

Buyer

The City of Charlotte, a Michigan municipal corporation

BY: \_\_\_\_\_  
 Michael Armitage  
 Mayor

BY: \_\_\_\_\_  
 Mary LaRocque  
 City Clerk

\_\_\_\_\_  
 Lighthouse Title Agency - Thornapple River, LLC  
 Settlement Agent

**PURCHASE OF EASEMENT AGREEMENT ADDENDUM**

The undersigned parties to the Purchase Agreement dated August 8, 2022 on the property known as 1671 Lansing Rd, Charlotte, MI 48813, legally described as:

Township of Eaton, County of Eaton, State of Michigan:

The Southwesterly 115 feet in width of the following described parcel: That part of the Southwest 1/4 of the Southeast 1/4 of Section 5, Town 2 North, Range 4 West, Eaton Township, Eaton County, Michigan, described as: Commencing at the intersection of the Northwesterly line of Highway US-27 and the East and West 1/8 line of said Southwest 1/4; thence Southwesterly along said Northwesterly line of said Highway, 515 feet; thence Northwesterly at right angles to said highway to said East and West 1/8 line; thence East to place of beginning.

also known as Property Address: 1671 Lansing Rd, Charlotte, MI 48813

PIN: 23-110-005-400-140-00

hereby mutually agree to amend said contract as follows:

BUYER WILL PAY ALL FEES ASSOCIATED WITH THE TRANSACTION. SELLER WILL NET FULL CONTRACT PRICE.

All other conditions of the Purchase Agreement to remain the same.

Dated: September 13, 2022

Seller(s):

Buyer(s):

JRRS Investments, LLC, a Michigan limited liability company

The City of Charlotte, a Michigan municipal corporation

BY: \_\_\_\_\_  
Rita Salmo  
Sole Member

BY: \_\_\_\_\_  
Michael Armitage  
Mayor

BY: \_\_\_\_\_  
Mary LaRocque  
City Clerk



August 13, 2022

Erin LaPere, MPAP  
City Manager  
City of Charlotte  
111 E. Lawrence Avenue  
Charlotte, MI 48813

**Subject: Request for Closing Document Signatures and Acquisition Funds**

Project: Charlotte Airport  
Parcel #E20 – JRRS Investments, LLC  
Property address: 1671 Lansing Road (easement)

Dear Ms. Moore

Enclosed you please find closing statements for the property referenced above. The Lighthouse Title Agency company has arranged a closing date of September 27<sup>th</sup>. To accomplish the closing the title company requires receipt of the signed closing documents and of the funds for the purchase. The request for acquisition is:

➤ Purchase Price:	\$30,000
➤ Closing Costs:	\$ 1,118
➤ <b>TOTAL to be transferred:</b>	<b>\$31,118</b>

When possible, please have the attached documents signed and returned to me for distribution to the title company. Please also commence the wire (or check) to issue funds to Lighthouse.

If you have any questions, please contact me at 517-673-0053 or [tim.davis@4Dacquisition.com](mailto:tim.davis@4Dacquisition.com).

Sincerely,



Tim Davis

Attachments: Buyer's closing statements

Cc: Bryan Myrkle  
Jon VanDuinen