

ORDINANCE NO. 21-009

ORDINANCE TO AMEND THE SUBDIVISION ORDINANCE

AN ORDINANCE TO AMEND THE JAMESTOWN CHARTER TOWNSHIP SUBDIVISION ORDINANCE BY AMENDING SECTION 5.4(2) AND (3) – FINANCIAL GUARANTEES SHALL BE PROVIDED AS FOLLOWS, AND TO PROVIDE FOR SEVERABILITY PROVISIONS, REPEAL PROVISIONS, AND AN EFFECTIVE DATE OF THIS ORDINANCE.

THE CHARTER TOWNSHIP OF JAMESTOWN, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 1. Section 5.4(2) and (3) – Financial Guarantees Shall be Provided as Follows. Section 5.4(2) of the Subdivision Ordinance will be amended to read in its entirety as follows.

Section 5.4(2) and (3) – Financial Guarantees Shall be Provided as Follows

5.4(2)

a) Cash Deposit or Irrevocable Bank Letter of Credits

(1 Treasurer, Escrow Agent or Trust Company

A cash deposit or an irrevocable bank letter of credit, as approved by the Township Board, shall be deposited with the Township. For a cash deposit, such deposit shall be made pursuant to a written escrow agreement between the subdivider and the Township. The escrow agreement may provide that the deposit be held by the Township Treasurer or, in the alternative, subject to approval by the Township Board, that the deposit be held by a State or National banking corporation.

(2 Dollar Value

The cash deposit or irrevocable bank letter of credit shall be in an amount equal to the total estimated cost of construction and installation of the specified public improvement including contingencies, as estimated by the Township Board.

(3 Term

The deposit shall be retained by the Township Board for a period to be specified by the Township Board.

- b) The agreement between the Township and the subdivider may provide that the amount of the cash or irrevocable bank letter of credit provided pursuant to subsection a) above be progressively reduced as the specified public improvements is completed.

5.4(3)

Penalty in Case of Failure to Complete the Construction of a Public Improvement

In the event the subdivider shall, in any case, fail to complete a public improvement within the period of time specified in his agreement with the Township for the completion of said public improvements, the Township Board may, at its option, proceed to have the public improvement completed. The agreement between the subdivider and the Township shall provide that all costs and expenses incurred by the Township in completing the public improvement shall be reimbursed from the cash deposit or irrevocable bank letter of credit provided pursuant to subsection 2) a) above.

Section 2. Severable Provisions. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

Section 4. Effective Date. This amendment to the Jamestown Charter Township Subdivision Ordinance was approved and adopted by the Township Board of Jamestown Charter Township, Ottawa County, Michigan on December 20, 2021, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on November 15, 2021, and after posting and publication following such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on January 5, 2022, which date is 30 days after publication of a Notice of Adoption and Posting of the Zoning Text Amendment Ordinance in the *Grand Rapids Press* as required by Section 401 of Act 110, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.



Laurie Van Haitsma, Township Supervisor



Candy DeHaan, Township Clerk

CERTIFICATE

I, Candy DeHaan, the Clerk for the Charter Township of Jamestown, Ottawa County, Michigan, certify that the foregoing Jamestown Charter Township Subdivision Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on December 20, 2021. The following members of the Township Board were present at that meeting: VanHaitsma, DeHaan, Brouwer, McCormick, Miedema, Miller and Tacoma. The following members of the Township Board were absent: None. The Ordinance was adopted by the Township Board with members of the Board McCormick, Brouwer, DeHaan, VanHaitsma, Miedema, Miller and Tacoma voting in favor and no members of the Board voting in opposition. Notice of Adoption of the Ordinance was published in the *Grand Rapids Press* on December 28, 2021.


Candy DeHaan, Clerk
Jamestown Charter Township

