

## **CHAPTER 10 – ISLAND PROPERTY**

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**ARTICLE I. – IN GENERAL**

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**Sec. 10-1. Definitions.**

a. The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- Island Property: The property situated in the village, commonly known as the Island Property including the Island House, and more particularly described as:

Government lot four of section 20 in town 29 north of range 9 west and containing 4.82 acres of land, more or less, according to the United States survey thereof, including all easements, rights-of-way and private roads, appurtenances thereto, and burdens in connection therewith, as specified in detail in the deed from Elk Rapids Iron Company to Josephine Dexter dated April 10, 1926, and recorded in the office of the Register of Deeds for Antrim County in Liber 67 of Deeds on pages 385 et seq. Also a piece of land situated on Lot One of section 20 in such town 29 north of range nine west, described as follows: commencing on the north line of River Street of the village at a point on the north line of River Street 20 feet west of west line of Pine Street extended north to the north line of such River Street, thence run north 15 degrees east parallel to such west line of Pine Street extended north to the north shore of Elk River; thence run easterly along the north shore of such Elk River to a point where the east line of such Pine Street extended north would intersect the north shore of such Elk River; thence run south 15 degrees west along the east line of Pine Street so extended north to the north line of River Street; thence run westerly along the north line of River Street to the place of beginning; subject however, to the right and easement of the village and its successors, to maintain a sewer along the westerly part of such parcel of land.

(Ord. #492, passed 01-07-19)

**Sec. 10-2. Conflict with deed of conveyance.**

a. None of the articles of this chapter shall be deemed to contravene or be construed as contravening or invalidating any of the covenants or terms of the deed of conveyance of

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the Island Property, but, shall be deemed and construed to have been written in the interests of furthering and ensuring the intentions of the parties hereto. If any provisions of this Chapter should be deemed to conflict with such deed, then the provisions of the deed shall be deemed to apply.

(Ord. #492, passed 01-07-19)

**Sec. 10-3. Amendments.**

- a. This chapter may be amended in the manner provided by law in the matter of ordinances.

(Ord. #492, passed 01-07-19)

**Sec. 10-4. Rights of property owners.**

- a. The enactment of this chapter shall in no way or manner deprive nor shall it be construed as depriving or denying any owner of any parcel of land located within the village of any of the rights, benefits or privileges contained in the deed of conveyance to bring and prosecute proceedings for specific enforcement of any of the covenants, restrictions or agreements contained therein, or for other suitable remedy or relief, at law or in equity, to ensure and protect the interests of the land owner and other beneficiaries thereunder in strict accordance with the intention of the parties as expressed therein.

(Ord. #492, passed 01-07-19)

**Sec. 10-5. Authority of council.**

- a. The council shall have and retain full authority over the affairs of the Island Property and nothing contained in this section shall be deemed to waive or relinquish this authority. The council may delegate and relinquish, as provided in this chapter, certain administrative powers and duties, but shall at no time surrender or waive its right of control over the Island Property.
- b. The council may, appoint a caretaker for the Island Property. The appointment and removal of a caretaker shall be made by the council, and compensation from the village shall be determined by the council. The caretaker shall perform such duties as may be required or directed by the council.

(Ord. #492, passed 01-07-19)

**Sec. 10-6. Appropriation for maintenance and development of Island Property.**

- a. The council may appropriate from the general fund of the village an amount each year which it deems necessary to be used in the maintenance and development of the Island Property.

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- b. The council shall prepare each fiscal year, a proposed budget of necessary expenditures for the ensuing 12-month period dividing such budget into three parts, namely: operating expense, maintenance expense, development and improvement expenses, to be called capital expense. The budget shall be in sufficient detail and completeness as to guide the council in raising and appropriating funds for the operation, maintenance and improvement of the Island Property. The funds shall be disbursed by requisition of the council.

(Ord. #492, passed 01-07-19)

**Sec. 10-7\_10-20. Reserved.**

(Ord. #492, passed 01-07-19)

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**ARTICLE II. USE OF ISLAND PROPERTY**

Sec. 10-21. Use of Island Property.

Sec. 10-22. Prohibited activities.

Sec. 10-23\_10-40. Reserved.

**Sec. 10-21. Use of Island Property.**

- a. In accordance with the Deed of Conveyance, the Island Property shall be used by the Village and its residents as a library, park, place of assembly, village hall, or community center and that the Island Property shall be continuously kept, maintained and used for one or more of the aforesaid public uses or purposes and that in no event shall said premises be used for any other or inconsistent use or purpose and particularly, the said premises shall not be used as a hospital, nursing home, convalescent home, home for the aged, or for any similar institution or purpose.
- b. Rules, regulations, restrictions, administrative practices, development plans and other provisions enacted in this article shall be for the purpose of perpetuating and keeping for all residents of the village, owners of real estate therein, for all time, the covenants and restrictions imposed in the deed of conveyance.

(Ord. #492, passed 01-07-19)

**Sec. 10-22. Prohibited activities.**

- a. The Island Property shall be used, maintained, and developed for the benefit of the public and in such manner that will not be detrimental to the best interests of the public.
- b. The following activities shall be prohibited on the Island Property:
  - No person shall bring alcoholic beverages, nor shall any person drink alcoholic beverages at any time on the Island Property unless having first received Village Council approval of a Special Event Permit. Consumption of alcoholic beverages having an alcohol percentage content higher than 15% shall be prohibited.
  - Indecent, profane or malicious conduct.
  - Commercial enterprises conducted for private or personal gain, or concessions for such enterprises. When authorized by the Village Council, clubs, societies or organizations shall not be prohibited by this section from operating for limited periods, lunch stands, non-gambling concession or other temporary businesses, the proceeds of which are for the exclusive benefit of such club, society or organization.

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- Games of chance, lotteries, raffles, gambling or gambling devices of any kind or nature.
  - Jumping, diving, or other similar activity from the Island bridge.
- c. The Village Council shall not discriminate against any public entity, group or individual when entering into a lease, contract or agreement concerning the use, occupancy or development of the Island Property that shall fulfill the purposes of the Deed of Conveyance of the Property on behalf of the Village and its residents.

(Ord. #492, passed 01-07-19)

**Sec. 10-23\_10-40. Reserved.**

(Ord. #492, passed 01-07-19)