

CLINTON COUNTY BOARD OF COMMISSIONERS

Chairperson
Larry Martin
Vice-Chairperson
Robert Showers

Members
John Arehart
David Pohl
Mary L. Rademacher
Claude A. Vail
Virginia Zeeb

COURTHOUSE
100 E. STATE STREET
ST. JOHNS, MICHIGAN 48879-1571
989-224-5120



Administrator
Ryan L. Wood
Clerk of the Board
Diane Zuker

RESOLUTION 2006-3 **TO APPROVE REAL ESTATE** **SALE AND LEASE OF PROPERTY**

A resolution made and adopted at a regular meeting of the Board of Commissioners of Clinton County ("County"), State of Michigan, held at the County offices located at 100 E. State Street, St. Johns, Michigan, on the 12th day of January, 2006, at 1:30 P.M.

Members present: John Arehart, Larry Martin, David Pohl, Mary L. Rademacher, Robert Showers, Virginia Zeeb and Claude A. Vail.

Members absent: None

The following resolution was offered by Commissioner Arehart and supported by Commissioner Showers.

WHEREAS, the Board of Commissioners of Clinton County ("Board") has the authority granted under the County Board of Commissioner's Act ("CBCA"), MCL 46.1 et seq.; and

WHEREAS, the County owns property for which it currently uses as the Mid-Michigan District Health Department ("Health Department") and was formerly used as the County Service Center and County Maintenance Garage located at 306 E. Elm Street, St. Johns, Michigan ("Property"); and

WHEREAS, the County is in the process of constructing a new building to be used by the Health Department; and

WHEREAS, the County desires to sell the Property to Rajesh, LLC ("Rajesh") and then lease the Property from Rajesh while the new Health Department building is under construction pursuant to the term of a lease agreement; and

WHEREAS, the County has determined that, after the construction of a new Health Department Building and the end of the lease, the Property will no longer be required for public purposes; and

WHEREAS, pursuant to Section 11 of the CBCA, MCL 46.11(c), the County may authorize the sale or lease of real estate belonging to the County and prescribe the manner in which a conveyance of real estate is to be executed; and

WHEREAS, pursuant to Section 11 of the CBCA, MCL 46.11(a), the County may lease for a term not to exceed twenty (20) years, real estate necessary for the site of any county building; and

WHEREAS, in October 2005, the County and Rajesh entered into a Buy and Sell Agreement for sale of the Property by the County to Rajesh (Exhibit A); and

WHEREAS, the County believes it is in the best interests of the health, safety and welfare of the County residents to sell the Property to Rajesh and lease the Property from Rajesh during the time the new Health Department building is under construction pursuant to the terms of a lease agreement.

NOW THEREFORE, the County Board of Commissioners of Clinton County, Michigan, resolves as follows:

1. Pursuant to authority granted by Section 46.11(c) the CBCA and the terms of the Buy and Sell Agreement (Exhibit A), the County Board of Commissioners authorizes the transfer of property to Rajesh, LLC legally described in the survey attached as Exhibit B.
2. The transfer of the property legally described in paragraph 1 above shall be effective upon Closing as identified in paragraph 12 of the Buy and Sell Agreement (attached as Exhibit A) subject to the terms and conditions of the Buy and Sell Agreement.

3. The County authorizes the Chairperson of the County Board of Commissioners, County Administrator and/or the County Clerk to execute all deeds and other documents necessary to carry out the transfer of property identified in Paragraph 1 above and upon consultation with the County's legal counsel, authorizes the Chairperson of the County Board of Commissioners, County Administrator and/or the County Clerk to approve any necessary changes to the documents, including but not limited to the Buy and Sell Agreement, necessary to carry out the County's intent.

4. Pursuant to Section 46.11(a) and the terms of the Buy and Sell Agreement, the County approves the Commercial Lease attached to this resolution as Exhibit C. The County authorizes the Chairperson of the County Board of Commissioners, County Administrator and/or the County Clerk to execute the Commercial Lease attached as Exhibit C. Upon consultation with the County's legal counsel, the County Board of Commissioners authorizes the Chairperson of the County Board of Commissioners, County Administrator and/or County Clerk to approve any necessary changes to the Commercial Lease necessary to carry out the County's intent.

5. Any Resolution inconsistent with this Resolution is hereby rescinded.

YEAS: Seven (7)

NAYS: Zero (0)

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
)
COUNTY OF CLINTON)

CERTIFICATION

I, the undersigned, the duly qualified and acting Clerk of the Board of Commissioners of Clinton County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Board of Commissioners at a regular meeting held on the 12th day of January, 2006

Diane Zuker, Clinton County Clerk