

Village of Elk Rapids

Memorandum

To: Village President Janisse
and All Village Trustees

From: William J. Cooper

Date: May 17, 2021

Subject: Island Property – Explanation of Documentation

On May 15, you received a one-page document titled “A Little History on the Island Property”. It has come to my attention that this summary has raised some questions which I will attempt to answer, partially via explanation and partially by supplying the documents in question. The following is a list of the attached documents, along with some explanation where necessary.

1. A Little History on the Island Property – a one page document that attempted to summarize what had happened in relationship to the ownership of the Island Property. This is what you received on May 15.
2. A copy of the deed showing when the property was granted to the Village by Katherine Dexter McCormick, April 29, 1948, but also when it was filed with Antrim County, May 18, 1948. (5 pages)
3. An exert from the minutes of the Council meeting, May 17, 1948, where the Village officially accepted the Island Property. (1 page)
4. An exert from the minutes of the Council meeting, June 6, 1960, that shows the results of the referendum in both the Township and the Village where the voters agreed to transfer ½ ownership of the Island Property to the Township. (1 page)
5. A copy of the newspaper article showing the results of this same referendum for the Village of Elk Rapids. (1 page)
6. The results of a Special Meeting, March 27, 1961, showing the results of the committee vote on amending the Island Property Ordinance. Also included is the Ordinance that was in effect at the time. (8 pages)
Note: This was the results from the committee formed to make recommended changes, this was not the result of actions by the Village Council or the Township Board.
7. A letter from Ted F. Miller, Village President, to Stanley Burke, Attorney, dated September 20, 1978, in which several issues were raised (2 pages):
 - Item #7 – notes that the recommended changes to the ordinance were never brought before the Village, and likely not before the Township either.

- Second section, Item #1 – questions whether or not the transfer of ownership was legal.
 - Second section, Item #2 – also questions the legality of the “contract” between the Village and the Township.
8. An affidavit from Katharine Dexter McCormick indicating that she has no objection to both the Village and the Township co-owning the property. This effectively answers the question as to whether or not the transfer of ownership was legal. (2 pages).
 9. A canvass of the votes cast at the Special Election, June 19, 1979. In this Special Election the Township voters voted to return the Island Property to the Village of Elk Rapids. (2 pages) As noted in the first page of the attachments, it would have fallen to the Township to file this change, a change that would show that the Village was the sole owner of the Island Property.

Apparently, a question has also raised as to why we did not share this information with the general public, although it was not clear as to when we should have shared this information. The simple fact is that since we had no reason to question the Village’s ownership of the property, until the Library Board did a title search, we did not dig deeply into the old files. All of this information, with the exception of the deed, were in a file marked as Library Correspondence. As you can see from the dates on many of these documents this was an old file, and based on how it was labeled it did not appear to be relevant to the issues raised related to the deed and the Village Ordinance a couple of years ago. However, due to recent developments, I opted to go through every page in every file that I had, to see if we had missed anything. You can see the result of this deeper dive into the files.

Also, to be clear, I was asked to look into this since I was here when all of the issues were raised during the question as to whether or not we could expand the library on the Island Property.

I hope this helps everyone to better understand the “Little History” that I provided a couple of days ago. Please let me know if there is anything else that I can do help clear up this issue.

A handwritten signature in black ink, appearing to be 'Bill', with a long horizontal stroke extending to the right.