

**AUGUSTA CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
Resolution No. 23-04**

[RESOLUTION TO APPROVE CONSENT JUDGMENT AND SETTLEMENT IN THE MATTER OF  
RAILSPLITTER SOLAR, LLC v AUGUSTA TOWNSHIP  
WASHTENAW COUNTY CIRCUIT COURT CASE NO 22-248-AA]

Minutes of a Regular Meeting of the Township Board of Augusta Charter Township, Washtenaw County, Michigan, held at Lincoln Senior Center, 8970 Whittaker Road, Ypsilanti, MI 48197 on the 28<sup>th</sup> day of February 2023, at 7:00.

PRESENT: Adams, Burek, Fuqua-Frey, Gonczy, Hall, Ortiz, Shelby

ABSENT: None

The following preamble and resolution were offered by Member Gonczy and supported by Member Adams.

**WHEREAS**, there is presently pending in the Washtenaw County Circuit Court an appeal of the Township Planning Commission's decision to deny approval of a special land use permit for a commercial grade solar project, Railsplitter Solar, LLC v Augusta Township, bearing file number 22-248-AA; and

**WHEREAS**, the Township Attorney has discussed with the attorney for Railsplitter Solar and with representatives of the Township a possible Consent Judgment and settlement of all claims and defenses in the litigation as a means to resolve the matters in controversy in the appeal; and

**WHEREAS**, the Township Attorney and other representatives have generally agreed upon the terms of a proposed Consent Judgment that includes multiple exhibits attached thereto, a copy of which is attached hereto as Exhibit A, and which has been preliminarily approved by Railsplitter Solar and their attorney; and

**WHEREAS**, additional negotiations with Railsplitter Solar since the attached draft Consent Judgment was submitted for review have resulted in suggested minor revisions as provided for in attached Exhibit B, which revisions include:

1. The addition of a new paragraph 8.u providing for a requirement that Railsplitter will pay for emergency response training for the Township Fire Department and the development of an emergency response plan as approved by the Fire Chief will be included on the final site plan to be approved in accordance with the proposed Consent Judgment; and
2. A minor revision to paragraph 2 on page 6 and 7 of the attached draft entitled Moratorium to make clear that any moratorium issued by the Township applies only to new applications.

**WHEREAS**, the members of this Board have reviewed the terms of the Consent Judgment along with the multiple attachments thereto attached hereon as Exhibit A, and the proposed revisions stated in Exhibit B as approved by the Township Attorney, and this Board is generally satisfied with the terms of the proposed Consent Judgment and the attachments, as amended by the provisions in Exhibit B; and

**NOW, THEREFORE, BE IT RESOLVED** that this Board hereby approves the proposed Consent Judgment in substantially the form attached hereto and made a part hereof (Exhibit A), and as to be amended by Exhibit B, and as approved by the Township Attorney. The Township Supervisor, Brian Shelby, and the Township's attorney, Victor L. Lillich, are hereby authorized to sign a final version of the attached Consent Judgment on behalf of the Township when it is amended consistent with Exhibit B and approved by the Township Attorney in accordance with this Resolution.

Roll Call Vote:

AYES: Adams, Burek, Gonczy, Hall, Shelby


NAYS: Fuqua-Frey, Ortiz

ABSENT: None

ABSTAIN: None

RESOLUTION DECLARED ADOPTED


Dated: February 28, 2023

  
 Brian Shelby, Supervisor  
 Augusta Charter Township

**CERTIFICATE**

I, Kimberly Gonczy, certify that the foregoing is a true and complete copy of Resolution No. 23-04 adopted by the Township Board for Augusta Charter Township, County of Washtenaw, State of Michigan, at a regular meeting of the Township Board held on February 28, 2023, and that public notice of said meeting was given pursuant to Public Act 267 of 1976, as amended.

Dated: February 28, 2023

  
 Kimberly Gonczy, Clerk  
 Augusta Charter Township