



## Legislation Text

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**File #:** 13-0699, **Version:** 2

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### Resolution to Accept Thirty-Four Sidewalks for Public Use **(8 Votes Required)**

Attached for your review and approval is a resolution to accept thirty-four specific sidewalks located outside of the public street rights-of-way for public use.

On October 21, 2013, City Council approved an ordinance to amend Sections 4:51, 4:58, and 4:60 of Chapter 49 (Sidewalks) of Title IV of the Code of the City of Ann Arbor. This amendment expanded the definition of “sidewalk” to include not only those walkways found in public rights-of-way but also those “within or upon an easement or strip of land taken or accepted by the City or dedicated to and accepted by the City for public use by pedestrians, bicycles, or other non-motorized travel.” These walks are most often found on a strip of land lying between two or more parcels and are commonly referred to as “connector” walks.

Pursuant to that change, staff reviewed a number of such connector walks and determined that thirty-four of those meet the recently amended definition of sidewalk in Chapter 49 and appear suitable for acceptance by the City for public use.

Although these walkways were shown on plat drawings as dedications to the City for public use, the approval or acceptance of a plat by the City by itself is not sufficient to accept a dedication to the public that was noted on the plat drawing. Rather, a resolution that formally and specifically accepted the dedication was required. An amendment in 1978 to the Subdivision Control Act, in particular MCL 560.255b, creates a presumption of acceptance of a dedication to the public ten years after a plat is recorded. However, because a dedication can be rejected or can be withdrawn before it is formally accepted, and to create a clear record and avoid ambiguities as to which dedicated walks have been accepted by the City, formal acceptance of each of these connector walks is recommended.

The attached overall and detailed maps indicate the location of the thirty-four crosslot walks that staff are recommending for Council consideration for acceptance for public use.

Prepared by: Deborah Gosselin, Engineer, Systems Planning

Reviewed by: Craig Hupy, Public Services Area Administrator

Approved by: Steven D. Powers, City Administrator

Whereas, On October 21, 2013 City Council approved an ordinance to amend Sections 4:51, 4:58, and 4:60 of Chapter 49 (Sidewalks) of Title IV of the Code of the City of Ann Arbor;

Whereas, That amendment expanded the definition of sidewalk to include those within or upon an easement or strip of land taken or accepted by the City or dedicated to and accepted by the City for public use by pedestrians, bicycles, or other non-motorized travel; and

Whereas, Thirty-four walks have been identified that meet the expanded definition of sidewalk and that are deemed suitable for acceptance as public sidewalks;

**RESOLVED**, That City Council accepts for public use the following thirty-four sidewalks that are also

depicted in the attached map:

- | <u>Walk</u> | <u>Location</u>   |
|-------------|---|
| PED-00001   | - Lying between Lots 4 and 5 of Julia A. Tuomy Subdivision  |
| PED-00002   | - Lying between Lots 2 and 31 of Nature Cove Subdivision  |
| PED-00005   | - Lying between Lots 12 and 13 of Orchard Subdivision   |
| PED-00006   | - Lying between Lots 4 and 5 of Orchard Subdivision   |
| PED-00009   | - Lying between Lots 120 and 121 & Lots 141 and 142 of Hollywood Park No. 2 Subdivision   |
| PED-00010   | - Lying between Lots 52 and 53 & Lots 68 and 69 of Huron Highlands Subdivision  |
| PED-00014   | - Lying between Lots 26 and 27 of Dicken Park Subdivision   |
| PED-00015   | - Lying between Lots 70 and 71 of Green Brier Subdivision # 2   |
| PED-00016   | - Lying between Lot 38 of Westport Hills Subdivision No. 2 and Lot 89 of Westport Hills Subdivision No. 3   |
| PED-00019   | - Lying along the rear of Lots 11, 12, 23, and 24 of Revena Heights Subdivision   |
| PED-00020   | - Lying between Lots 212 and 213 & Lots 228 and 229 of North Campus Heights No. 4 Subdivision   |
| PED-00021   | - Lying between Lots 17 and 18 of Arbordale Subdivision   |
| PED-00022   | - Lying between Lots 10 and 11 of Arbordale Subdivision   |
| PED-00025   | - Lying between Lots 145 and 146 of North Campus Heights No. 3 Subdivision and between Lots 190 and 191 of North Campus Heights No. 4 Subdivision |
| PED-00026   | - Lying between Lots 189 and 190 & Lots 209 and 210 of Hollywood Park No. 3 Subdivision   |
| PED-00027   | - Lying between Lots 29 and 30 of Pauline Acres Subdivision   |
| PED-00028   | - Lying between Lots 70 and 71 & Lots 104 and 105 of Lansdowne Subdivision  |
| PED-00029   | - Lying between Lots 175 and 176 of North Campus Heights No. 3 Subdivision  |
| PED-00030   | - Lying between Lots 3 and 4 & Lots 11 and 12 of Eber White Second Addition to the City of Ann Arbor  |
| PED-00032   | - Lying between Lots 353 and 354 of Vernon Downs No. 4 Subdivision  |
| PED-00041   | - Lying between Lots 43 and 44 and along the west edge of Earhart Commons of Earhart Knolls Subdivision   |
| PED-00042   | - Lying between Lots 49 and 50 of Earhart Knolls Subdivision  |
| PED-00043   | - Lying between Lots 57 and 58 of Earhart Knolls Subdivision  |
| PED-00044   | - Lying between Lots 200 and 201 of Turnberry No. 2 Subdivision   |
| PED-00045   | - On Lot 3 of Freeman Estates Subdivision   |
| PED-00052   | - Lying between Lots 50 and 51 of Westaire Terrace Subdivision  |
| PED-00055   | - Lying between Lots 41 and 42 of Liberty Glen Subdivision  |
| PED-00056   | - Lying between Lots 14 and 15 of Coral Ridge Subdivision   |
| PED-00066   | - Lying between Lots 39 and 40 of Hearthstone Subdivision No. 2   |
| PED-00067   | - Lying along side of Lot 30 of Green Lea No.1 Subdivision  |
| PED-00073   | - Lying between Lots 93 and 94 on unopened Ivywood Drive in Dover-Parkside Subdivision No. 2  |
| PED-00074   | - Lying south of Lots 1-5 of Garden Circle Subdivision in unopened Thaler Avenue north of Liberty Heights Condominiums                            |
| PED-00075   | - Lying in unopened Andover Road between Lots 28 and 29 of The Woodlands Subdivision  |
| PED-00080   | - On Lots 59 and 69 of Garden Homes Park; and   |

RESOLVED, That the City Administrator be authorized and directed to take the necessary administrative actions to implement this resolution.