City of Ann Arbor

Legislation Text

File #: 21-1073, **Version:** 1

Resolution to Accept Four Sidewalks for Public Use (8 Votes Required)
Attached for your review and approval is a resolution to accept four specific sidewalks located outside of the public street rights-of-way for public use.

On July 1, 2013, City Council approved an ordinance to amend Sections 4:51 and 4:58 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 walkways and on October 21, 2013, City Council accepted 34 of those locations for public use (R-13-316). The four locations presented in this resolution also meet the requirements outlined above, and staff recommends them for acceptance.

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 is 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 However, because a dedication can be rejected or can be withdrawn before it is formally accepted, and to create a clear record and avoid ambiguities as to which dedicated walks have been accepted by the City, formal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.

Acceptance of these walkways by the City will enable the City to utilize the Street, Bridge, and Sidewalk Millage approved by voters in 2020 to make future repairs as needed to these connector walks.

City staff sent a letter to the twelve property owners adjacent to theses walkways on May 27, 2021 informing them of this action and inviting them to contact staff with questions or comments. One resident responded and indicated they were in favor of this action.

The attached overall and detailed maps indicate the location of the four connector walks that staff are recommending for Council consideration for acceptance for public use.
Prepared by: Nicholas Hutchinson, City Engineer
Reviewed by: Craig Hupy, Public Services Area Administrator
Approved by: Tom Crawford, City Administrator
Whereas, On July 1, 2013 City Council approved an ordinance to amend Sections 4:51 and 4:58 of Chapter 49 (Sidewalks) of Title IV of the Code of the City of Ann Arbor which 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;

Whereas, City Council accepted 34 connector walks for public use on October 21, 2013 (R-13-316); and

Whereas, An additional 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 four sidewalks that are also depicted in the attached map:

Walk	Location
PED-00011	Lying between Lots 393 and 394 and Lots 409 and 410 of Lansdowne No. 3 Subdivision
PED-00012	Lying between Lots 380 and 381 of Lansdowne No. 3 Subdivision
PED-00017	Lying between Lots 185 and 186 and Lots 195 and 196 of Lansdowne No. 2 Subdivision
PED-00018	Lying between Lots 171 and 172 of Lansdowne No. 2 Subdivision; and

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