

CITY OF BURTON

The Meeting was called to order by Ted Hammon, Vice-President at 7:00 P.M.

MEMBERS PRESENT: Abbey, Cross, Hammon, Martinbianco, Walls and Zelenko.

MEMBERS ABSENT: Cox.

OTHERS PRESENT: J. Major, DPW Director and W. Walworth, City Clerk.

PURPOSE OF THE MEETING: Second Public Hearing for Job #P-94-021. Proposed vacating of the 1/2 unimproved R.O.W. of Lombardy Street, situated North of Lapeer Rd. and adjacent to the west property line of Lot 1 of Suburban Homesites. (Edith Roberts, 4141 Lapeer Rd., Burton, MI 48509, petitioner)

PRESENTATION:

Mr. Major said half the right-of-way butts up against the sub-division. He said the request was denied by the Planning Commission. If this request is granted, the City has no access from an asphalt road. He said the DPW does not want to be held to one access from a gravel road. The right of way may be needed in the future.

AUDIENCE PARTICIPATION:

Richard Roberts, 6421 W. Vienna Rd., Clio said he is the son of Edith Roberts, who is making the request. He took issue with the map distributed to Council. He said they had used the right-of-way for 48 years and wondered what rights they had. Mr. Austin said they need to show open, hostile and notorious possession to make a claim on private property. He said they would have difficulty when dealing with public property on any claim.

COUNCIL DISCUSSION:

Mr. Martinbianco asked about a right-of-way on the south end of Lombardy. He also said that the church could make some type of arrangement with Consumer Power without our being aware of it.

Mrs. Walls asked if the church driveway helped at all. Mr. Roberts said if they had the property, then they would be assured that the church would not attempt to move over further.

COUNCIL ACTION:

Moved by Martinbianco, supported by Abbey to deny the following motion:

1. Approve and authorize DPW Job #94-021 for the vacating of the 1/2 unimproved R.O.W. of Lombardy Street, situated North of Lapeer Rd. and adjacent to the west property line of Lot 1 of Suburban Homesites. (Edith Roberts, 4141 Lapeer Rd., Burton, MI 48509, petitioner). Motion Carried 6-0.

Meeting Adjourned at 7:17 P.M.

Respectfully Submitted,

William R. Walworth, City Clerk