

CITY OF BURTON
SPECIAL COUNCIL MEETING MINUTES
JUNE 16, 2003, 6:30 P.M., COUNCIL CHAMBERS

Council President Larry Brawner called the Special Meeting to order at 6:30 P.M.

MEMBERS PRESENT: Bement, Brawner, Centilli, Cross, Martinbianco, Tinnin and Wells.

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor Charles Smiley; R. LaDuke, DPW Director and C. Ladd, Deputy City Clerk.

PURPOSE OF THE MEETING: Public Hearing postponed from June 2, 2003 to vacate the entire ½ unimproved R.O.W. of Etzel St. being adjacent to lots 59 and 60 of Eastgate #3 Subdivision, Section 26, City of Burton for residential use (Atherton Community Schools, 3354 S. Genesee Rd., Burton, MI 48519)

PRESENTATION:

Mr. LaDuke stated that he had met with Attorney Hamilton and after his research, found that this parcel was platted in 1926 as part of Eastgate Subdivision. He has had conversation with the City Assessor and Zoning and Planning Official and it appears that particular property stays with that plat. He doesn't believe that Mr. Hamilton has found a ruling one way or another, but he indicated that if this were to go to court, the property would stay with the plat.

Mr. Brawner briefly reviewed the letter from Mr. Hamilton and noted that it is not the Council's function to determine who would receive title to the property. It would be up to the claimants to establish title. Our function is to decide whether or not to vacate the property.

Mr. LaDuke said he would like to have the attorney decide whether the vacating is right or wrong and whether we can or can't vacate the property. The staff has recommended that the property be vacated and should stay within the plat. The City Assessor, who is the keeper of our records of the property, says it should stay within the plat. The Plat Act speaks briefly of it. He noted that he had not read the letter from Mr. Hamilton. This parcel is part of the original piece of property and Mr. Glomson never owned any of the property. The property was platted in 1926, and whoever owned it, owned the entire piece and decided to keep the entire piece of property within the plat.

AUDIENCE PARTICIPATION:

Chester Glomson, 5250 E. Atherton Rd., said he owns the adjacent property to the Atherton School. He thought tonight the Council would make a decision on whether to vacate the property or not. He commented that he moved there in 1927.

COUNCIL DISCUSSION:

Mr. Cross asked Mr. Glomson if his property is in the platted portion.

Mr. Glomson replied that his property is adjacent to the platted portion.

Mr. Martinbianco asked, in light of Mr. Hamilton's response to this issue, would Atherton School have preferential rights to the entire 30 feet if the Council chooses to proceed for residential use? He said the reason he is asking about the preferential rights is because they have already gone to the Planning Commission with a proposal, which would encompass that additional 30 feet as opposed to 15 feet, that was suggested at the last meeting, as a compromise between Mr. Glomson's property and that which was requested by Atherton Schools.

SPECIAL COUNCIL MEETING MINUTES
JUNE 16, 2003/6:30 P.M.
PAGE 2

Mr. Potbury said he just looked at the plat for the first time. Based on Mr. Hamilton's record, the property would go to adjacent properties included in the plat, not any other properties. He said his opinion would be that the property would go to the centerline and one portion would go to Lot 60 and the northern piece of property would go to Lot 59.

Mr. Martinbianco and Mr. Potbury briefly reviewed the plat map.

Mr. Martinbianco asked how many more unimproved right-of-ways were in the City of Burton.

Mr. LaDuke replied there were probably about three or four unimproved right-of-ways in the city.

Mr. Martinbianco asked if the right-of-way would continue through to Mr. Glomson's property?

Mr. LaDuke said he hoped the right-of-way would continue through to Mr. Glomson's property, so that his property is not landlocked from that egress. Discussion was held concerning 30' right-of-way going to Lots 59 and 60.

Mr. Wells asked if the right-of-way would affect Mr. Tucker's lot. He was advised no.

Mr. Martinbianco asked if Sitka Street were extended, would there be a dead end stop, T-stop or a cul-de-sac that might stay within those 30 feet.

Mr. LaDuke replied the property could be utilized until it was developed and then we would turn that into a through street. Without any future development pending, just for ease of buses and garbage trucks, we could put a turn-around in there.

COUNCIL ACTION:

Martinbianco moved and Bement seconded the following motion:

1. Approve and authorize vacating the unimproved R.O.W. of Etzel St. being adjacent only to Lot 59 and Lot 60 of Eastgate #3 Subdivision, Section 26, City of Burton for residential use (Atherton Community Schools, 3354 S. Genesee Rd., Burton, MI 48519)

Motion carried 7-0.

Meeting Adjourned at 6:45 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML