

Appendix C: Protected Lands



City of Ypsilanti

Planning and Development Department

Memo

To: City of Ypsilanti Charter Commission
From: John Barr, City Attorney and Teresa Gillotti, Planner II
Date: March 1, 2012
Subject: City Charter "Protected Lands" designation

The Ypsilanti City Charter amendment of 1994 included a new feature, a means for deeming public assets "protected lands" as well as a series of requirements if there would be an eventual sale of the property.

Staff had recently discussed that the Charter language does not allow for any amendment or addition to the protected land list. In its current form, the lands designated by the Planning Commission in 1995 are a static list, and we would like to suggest that the Charter Commission consider an amendment.

In reviewing public lands as part of the 2012 council goals, as well as the Parks and Recreation Master Plan that is to be revised this year, staff noted the need for at least one addition, and a few points of clarification:

- The addition of the eventual linear park/trail along the Water Street Redevelopment Area
- Further delineation of the "riverfront/wetlands" properties
- The list that was created by the Planning Commission in 1995 had properties listed by name only, and it would be more accurate and precise to include addresses and Parcel ID (when possible)
For example, it is unclear what "Thomas" refers to. (see attached)
- Some protected properties are under private ownership, and should be removed (UAW)
- There may be a desire to remove parcels as conditions change over time.

As the Ypsilanti Planning Commission had the original authority to create the list, and as the Planning Commission is required by state law to deliver Master Plan Updates every 5 years, staff is recommending the City Charter be amended to include:

Protected Lands. The Planning Commission shall review the list of Protected Lands in the city as part of each five year periodic review of the city Master Plan. The list of Protected Lands may be amended by the Planning Commission as part of the five year periodic review, and/or from time to time, as determined by the facts and circumstances then existing. The Protected Land list shall be kept by the city clerk and published on the city web site.

Thank you for your consideration of this matter. Teresa Gillotti will be attending the next Charter commission meeting to answer any questions you might have on this topic.

Teresa Gillotti
tgillotti@cityofypsilanti.com or 734-483-9646



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Sec 11.03

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MEMORANDUM

TO: Honorable Mayor & Council Members
FROM: Robert A. Sloane, Jr., City Clerk
DATE: April 25, 1995
SUBJ: Protected City Properties

The Revised City Charter gave the task of designating protected City properties to the City Planning Commission. The Planning Commission received input from the City Administration and moved forward. At their February 15, 1995 meeting they completed the assignment. The minutes of that meeting and a memorandum from Alice Berg, City Planner are attached. Page 2 of those minutes describe what City properties are protected and which are not.

If you have any questions, please feel free to contact me or Alice Berg.

cc: Herbert W. Gilsdorf
Alice Berg

Meeting Minutes
Planning Commission
Council Chambers
Wednesday, February 15, 1995

I. Call to Order 7:30 p.m.

II. Roll Call

Present:

Fred Davis, M. Kemnitz, C. Hee, G. Simmons,
David Archbold, McDonna Street, J. Meyer Howard,
Patricia Horn McGee

Absent: A. Heezen - Excused

Staff Present:

A. Burg - City Planner
N. Schuette - Secretary

III. Approval of Minutes

Patricia Horn McGee moved to approve December 21, 1994 minutes (support: G. Simmons). Carried unanimously. C. Hee moved to approve January 18, 1995 minutes with recommended amendment (support: D. Archbold). Carried unanimously.

IV. Purpose of Meeting

1. Designation of Protected Lands

A. Burg stated that she had put a presentation together that locates all the city owned properties broken down by parklands, waterfronts, wetlands, facilities, parking lots, potential development. We had extensive discussion last month on what things should be designated, therefore, she felt if the Board members were comfortable, we could make the determination tonight.

After much discussion by the Board members, it was agreed on the following:

- Fourteen parks (Ainsworth, Ainsworth Circle, Candy Cane, Edith Hefley, Ferris Street, Frog Island, Gilbert, Parkridge, Prospect, Recreation, Riverside, Thomas, UAW and Waterworks Park) are all protected.
- Riverfront/Wetlands (Railroad, Superior, South Grove) will be protected.
- Watertower and Minuteman Monuments are protected.
- Parking Lots (Adams, Ballard, North Huron, South Huron and Riverside) are protected.
- Referring to facilities--DPW Yard, Museum and Freighthouse are protected properties, the Police Station, Fire Station, City Hall and 10 Prospect are not protected.

No public was in attendance, therefore no public hearing was called.

F. Davis asked that a motion be made. C. Hee moved to support the above proposal (support: M. Kemnitz). Roll call vote was taken - seven ayes, one nay, motion carried.

F. Davis stated that we had previously suggested that an ordinance be considered for annual review or some methodology of review by the Planning Commission. He asked A. Burg if it had been referred to the City Attorney at this point, to which she replied that it had not as yet, but she would do that.

2. Text amendment regarding Non-Conforming Structures

F. Davis stated that what we currently have is--we refer to certain areas of the community in non-residential areas as legally approved non-conforming uses, in that, if they burn down, they cannot be rebuilt. He recalled that M. Kemnitz had a list that she was going to work on with Alice Burg. He indicated examples--Lincoln Street area--where we have residential, not R-1, but there are residents located there. His concern is that currently the way the ordinance was drafted, we have residential in an M-1 district. We don't encourage it. If the residence were to burn down, we would not want them to rebuild in that area. In the proposed language, anyone can rebuild.

He further stated that if he understands the rationale of last month's discussion, should someone desire to rebuild on that site, in that location, they can do so.

11.03. Protected lands.

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*(See memo at
end of Section)*

(a) Within six months after the effective date of this Charter, the Planning Commission shall review a list of all real property owned by the City and shall designate certain parcels as protected lands based on the character of the land as parkland, likely parkland or environmentally sensitive land such as wetlands or riverfront.

Protected lands may not thereafter be sold or disposed of without a vote of the people or the potential for a vote of the people. Land will be considered sold or disposed of when there has been a binding grant of rights in the land for any period of time to any individual or organization which is likely to significantly affect the character or use of the land during the period of the grant or after. A parcel with a market value of \$500,000 or more may not be sold or disposed of without a vote of the people. A parcel of protected land with a market value of less than \$500,000 may not be sold or disposed of until 45 days after a public hearing before the City Council on the question. There shall be a prominent notice of the public hearing published in a newspaper of general circulation in the City. If petitions with signatures amounting to ten percent of the vote cast for Mayor in the most recent election are filed in the office of the City Clerk requesting a vote of the people on the sale or disposition, the City Council shall either cancel the proposed sale or disposition or schedule a vote of the people. A majority of affirmative votes shall be required to approve the sale or disposition of land.

(b) In accordance with State law, no park or cemetery or any parts of a park or cemetery may be sold except where the park is not required under an official master plan of the City unless approved by a majority of the voters voting thereon at a general or special election.

11.04. City liability.

Any person having a claim against the City by reason of negligence for damages to person or property shall give the City written notice of the claim within 120 days. This notice shall be served on the City Clerk and shall contain the time and place of such injury, the manner in which it occurred, the extent of such damages as far as the

same has become known, the names and addresses of the witnesses known at the time by the claimant, and a statement that the person sustaining such damages intends to hold the City liable for such damages as may have been sustained.

Failure to give notice as outlined in this Section may be reason to dismiss any claim for such injuries. The standard of review to dismiss the claim for failure to give required notice shall be the same as is outlined in State statute.

Upon receiving notice, the City shall respond promptly to each such claim under procedures established by the City Council. The claimant may be notified that the City is not liable because of immunity or some other defense. In addition to the defenses outlined in the City's response to the notice of claim, the City may allege other defenses if the claim is pursued in a forum such as a court of law.

If the City recognizes the possibility of liability, the response shall specify the appropriate procedure for the resolution of the issue of liability and adjustment of the amount of damages by mediation, arbitration or any other means chosen to protect the public interest. A claimant's failure to follow the reasonable procedures designed to allow the City to fairly investigate the circumstances of the claim, determine liability and fix damage must be brought to the attention of any body or official with discretionary authority over the award of costs.

The provisions of this Charter are not intended to waive any immunity from tort liability provided by statute or common law.

State law reference—City liability for injuries, MCL 691.1401 et seq.

11.05. Anti-nepotism.

Unless the Council shall by unanimous vote, which vote shall be recorded as part of its official proceedings as determining that the best interest of the City shall be served, the following relatives of any elective or appointive officer, City Manager, or department head with respect to that department, are disqualified from holding any appointive office or employment during the term of which said elective or appointive officer was elected or