

To: Lathrup Village City Council, City Administrator, City Attorney, Director of Community & Economic Development and City Planner

From: Bruce Kantor at 18219 Sunnybrook Avenue

Date: June 1, 2021

Subject Request to Vacate Public Alleyway

Request:

This letter is to formally request that the City of Lathrup Village vacate the public alleyway to the east of my property located at 18129 Sunnybrook. Per City regulation, I request this alleyway be divided equally between the adjacent properties, such that I receive the western ten feet of the alley and the building owners next door receive the eastern ten feet of this twenty foot wide alley parcel. The required legal description of the property is attached.

History:

To the east of the public alleyway, there are two commercial buildings. In 2006, a major reconstruction project occurred and most of the building was demolished and reconstructed as a modern, two-story building. As part of this project, the western ten feet of the alley adjacent to my property was landscaped with trees and shrubs, while the eastern portion was paved to provide parking spaces for the building. There was no encroachment license, lease agreement, granted easement or formal arrangement between the City and the building owners to commercially use the entire twenty feet of alleyway for a private venture. In addition, the five to six foot tall masonry screen wall that is required by the City's zoning regulations was never installed. While the City continued to own this alleyway, the City essentially gave the land to the building owner for commercial use. See the attached images that depict the public alley.

While the maintenance of the landscaped half of the alley is the building owner's responsibility, since 2006 (and for the 15 years prior as well), I have been the primary caretaker of the alleyway. On rare occasion, the building owner would conduct some very minor maintenance, but this has been quite rare. About five or six times per year, I spend an entire day raking, cleaning, pruning, pulling weeds, spraying, removing invasive species, etc. In addition, every week, I walk the entire alley and clean up a garbage bag full of trash, a task that should be done by the building owners.

Request Rationale:

While the City owns this land, to my knowledge, the City has no existing or future use planned for this alley. While there has been occasional past discussion about linking some of the business corridor

alleyways together, this would not make sense at this location for several reasons. First, this would be a dead end alley as it does not provide an egress to the 11 Mile Road service drive nor to any other property south of the building. Access to 11 Mile Road is blocked by the Chase Bank building. Second, were the City to use this alley for some other purpose, doing so would eliminate at least half of the existing parking spaces for the commercial properties. This would place them dramatically below the minimum necessary parking spaces required by City zoning laws, making the building unusable.

In addition, in the next five to nine years, the Southfield Road boulevard project will take place. When this occurs, the entire commercial property to the east of the alleyway will be taken over by Oakland County (via eminent domain laws) and made a Right of Way for Southfield Road. This would impede any possible viable use for this alleyway.

In effect, the City virtually already vacated this land in 2006 by allowing the building owner to use all twenty feet of the alley for commercial gain and benefit. However, at that time, the City should have rightfully split the use of the alleyway between the adjacent properties. This request is asking for the formalization of what should have occurred in 2006.

Given the City has no interest in using this land, vacating it to the surrounding properties provides only positive benefits. First, all parties receive additional property which will increase the value of their lots. Second, the commercial properties would now own their entire parking lot. This would save them funds, as they would no longer be required to carry insurance to indemnify the City for liability for any incident that occurs on the City's property that they are currently using for parking (although, one of the property owners said they do not think they are providing this indemnification). Third, when the boulevard project occurs, the commercial properties will have more square footage, which will result in the County having to pay them more money for their property.

From my perspective, if the alley is vacated, I can then fully maintain and improve this landscaped area so that it looks better, is constantly maintained and provides a markedly better buffer between the commercial property and residential property. Unfortunately, while a five to six feet high masonry screen wall buffer is required by ordinance, it does NOT currently exist (again, back in 2006, I do not know how the building owner was able to avoid building the required screen wall). Having control of this space is key to creating a more livable, better-maintained buffer that will shield my property from noise, stray light, trash, having to look at a parking lot, etc.

The only potential argument against this effort would be that one of the building owners initially installed the existing trees and shrubs. However, they improved City property at their own risk, knowing that they did not own this land. This would also be a weak argument, given the City still owns the land and could at any time require the building owner to remove all the vegetation (not that the City would ever do that).

I have spoken with the owners of the smaller building (Richard Mandal and Xinlan Jiang) and they are overwhelmingly in support of this alleyway vacation. I also spoke at length with Noel, the owner of the larger building. As of this date, she has not taken a position on this request.