

MEMORANDUM



TO: MAYOR AND CITY COUNCIL
FROM: VICTOR CARDENAS, CITY MANAGER
SUBJECT: LEBOST GATE
DATE: APRIL 11, 2024

The breakaway gate on LeBost between Willowbrook Estates Subdivision and Willowbrook Farms No. 2 Subdivision came up at public comment the other night. I wanted to note a few things for City Council, as I assume there will be more conversation about this.

First, when Willowbrook Farms No. 2 was developed in the late 1990s, people in Willowbrook Estates *didn't* want a road connection between the two subdivisions (there was just a dead end there in Willowbrook Estates). The developer (Singh) offered to put a berm in instead of a connection; City Council agreed to that, and a requirement for a berm was written into the subdivision restrictions recorded at the Oakland County Register of Deeds. (See the attached minutes from the tentative plat approval in 1998.) It's not clear exactly how the berm became a gate instead, but we're looking into the history of that.

Second, the speaker the other night wanted to know how the City could just close that road, since it's a public road, people pay taxes for roads, etc. The answer is simple: The City has full control over opening and closing public streets generally under its charter. But it is also the approving body for streets in a plat, and therefore also had every right to limit the extent to which these subdivision streets connected (or didn't).

Finally, the speaker asked the City to just open the connection up. It's not that easy. Since the plat approval contemplated no connection (i.e., a permanent berm), to change that condition/decision would require some similar formal action. At this point, the City Attorney's office is suggesting that an amendment to the Willowbrook Farms No. 2 plat would likely be required. That would likely require a lawsuit in the circuit court involving all the members of at least Willowbrook Farms No. 2 and possibly Willowbrook Estates, too. There's also the matter of the recorded subdivision restrictions that prohibit the connection, which would also probably have to be amended.

This matter comes up every few years, and it does appear that there are people on "both sides" of the question (i.e., others like the gate closed). From now on, and in keeping with what was contemplated when the Willowbrook Farms No. 2 plat was approved, we plan on keeping the gate closed all year long in order not to cause any confusion.