

**..Title**

Resolution to Order Election and to Determine Ballot Question for Charter Amendment Requiring Voter Approval of Long-Term Non-Park or Non-Recreational Uses of Park land (**7 votes required**)

**..Memorandum**

**..Staff**

Sponsors: Council members Lumm and Anglin

**..Body**

Whereas, Michigan law authorizes a City to sell land designated as a park in the City's Master Plan with voter approval;

Whereas, Michigan law authorizes a City to sell the same land without voter approval if it is removed from the City's Master Plan;

Whereas, In November 2008, electors amended section 14.3(b) of the Ann Arbor City Charter to require voter approval for the sale of any land within the City purchased, acquired or used for parkland regardless of whether it is or is not part of the City's Master Plan;

Whereas, The 2008 charter amendment provides protection for parkland and a public process requirement prior to any parkland being placed on an election ballot only in the event of a sale, but does not address or protect parkland where ownership of the parkland is retained by the City but the fundamental use of or ability to use the property for park or recreational purposes is diminished under a long-term contractual arrangement;

Whereas, The voter approval of sale requirement as enacted was not intended to permit the City to constructively circumvent the requirement through long-term utilization of parkland acquired to provide accessible recreation, enrichment, and leisure opportunities for the Ann Arbor community in a manner that is inconsistent with municipal stewardship of the park, recreation and open space system; and

Whereas, It is appropriate to assure citizens a voice in the decision-making process of the development of park, recreation and open space system where new uses could significantly impact park and recreation services.

RESOLVED, That the Ann Arbor City Council propose that Section 14.3(b) of the City Charter be amended as follows:

Limitations on Contractual Power

Section 14.3

- (b) The City shall not sell, lease, or contract for any non-park or non-recreational long-term use, without the approval, by a majority vote of the electors of the City voting on the question at a regular or special election, any City park, or land in the City acquired for park, cemetery, or any part thereof. For purposes of this

subsection long-term shall be defined as a period greater than 5 years.

RESOLVED, That November 6, 2012 is designated as the day for holding an election on the proposed Charter amendment;

RESOLVED, That the Clerk shall transmit a copy of the proposed amendment to the Attorney General and the Governor of Michigan and shall perform all other acts required by law for holding the election;

RESOLVED, That the proposed Charter amendment shall appear on the ballot in the following form:

ANN ARBOR CITY CHARTER AMENDMENT  
REQUIRING VOTER APPROVAL OF NON-PARK OR NON-RECREATIONAL USES  
OF LAND ACQUIRED OR USED AS PARKLAND

Shall Section 14.3(b) of the Ann Arbor City Charter be amended to require voter approval for long-term (greater than 5yrs) Non-Park or Non-Recreational Uses of Parkland within the City while retaining the Section's current requirement for voter approval of the sale of any City park, or land acquired by the City for a park or cemetery?

Yes

No

RESOLVED, That the proposed Charter amendment and proposed ballot questions shall be published in full not fewer than two time in the Washtenaw Legal News and posted to the City's website;

RESOLVED, That if the amendment is adopted, it shall take effect on January 1, 2013.