

cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item 4
June 23, 2008

SUBJECT: Consideration of the vacation of unimproved alleys in the Howell's Walled Lake subdivision.

SUBMITTING DEPARTMENT: Engineering *RH*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

Michael Butcher, owner of Lots 27-30 in Howell's Walled Lake subdivision, has requested that the two remaining alleys in the subdivision be vacated by the City of Novi. Neither alley has been improved and the City has no interest in the land within the rights-of-way. The City vacated other alleys in the subdivision in 1988 and 1993, as depicted on the attached map.

The request has been reviewed favorably by Administration staff. Additionally, the 12 affected landowners (some with multiple parcels) were polled and 7 were in favor of the vacation, 1 was opposed, and 4 have not responded (Rob Hayes' March 26, 2008 memorandum, attached).

The City Attorney's office has reviewed this request, and the attached May 29, 2008 letter from Beth Kudla spells-out the steps that are necessary to effect the vacation. A resolution to hold a public hearing earlier in this meeting was adopted at the June 9th Council meeting.

At the June 9th meeting, City Council requested additional information from Administration regarding the following concerns:

1. **Public Benefit:** The City of Novi would derive two main benefits as a result of vacating the alleys. Because the alleys are no longer used or needed, the City's liability would be reduced. In addition, the City's property tax revenue would be increased.
2. **Tax Impact:** The affected landowners' taxes would increase from \$20 to \$200 per year depending on the amount of abutting alley area vacated.
3. **Accessibility for Public Safety:** The Police and Fire Departments have both concurred with vacating these alleys (responses from Chief Molloy and Fire Marshal Evans are attached).

RECOMMENDED ACTION: Approval of the vacation of unimproved alleys in the Howell's Walled Lake subdivision.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Capello				
Council Member Crawford				
Council Member Gatt				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

CITY OF NOVI

OAKLAND COUNTY, MICHIGAN

**RESOLUTION VACATING ALLEYS IN
THE HOWELL'S WALLED LAKE SUBDIVISION
IN THE CITY OF NOVI**

At a meeting of the City Council of the City of Novi, Oakland County, Michigan, held on June 23rd, 2008, at the City Hall, 45175 Ten Mile Road, Novi, Michigan 48375.

WHEREAS, the Novi City Council held a public hearing on June 23rd, 2008, to consider and hear objections to the proposed vacation of two 20 foot wide, unimproved public alleys located within Howell's Walled Lake Subdivision, Liber 42 of Plats, Page 36, Oakland County Records. The alleys proposed to be vacated are legally described as:

{See the attached and incorporated Sketch & Description Exhibit}

WHEREAS, the City Council has jurisdiction to vacate the public alleys in question, no part of which are within 25 meters of a lake or in the general course of a stream; and

WHEREAS, the Novi City Council is satisfied that the described platted alleys may be vacated without any adverse effects on the public health, safety, and/or welfare.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Novi City Council that:

1. Two 20 foot wide platted alleys shown on the Plat of Howell's Walled Lake Subdivision, Liber 42 of Plats, Page 36, Oakland County Records, and legally described set forth on the attached and incorporated Sketch & Description Exhibit, shall be and hereby are vacated. This action is taken pursuant to Sections 2526 and 2527 of Act 288 of the Public Acts of 1967, as amended, being MCL 560.256 and MCL 560.257, respectively.
2. Within 30 days after the effective date of City Council's approval of this Resolution, the City Clerk shall record a certified copy of this Resolution with the Oakland County Register of Deeds, and shall file a copy of this Resolution with the office of the Michigan State Treasurer.

3. The vacation of the platted alleys shall be effective on the date this Resolution is recorded with the Oakland County Register of Deeds, and upon the vacation of such platted alleys becoming effective, such platted alleys shall be removed from the street plan map and any other official maps or street plans for the City of Novi.

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I, MARYANNE CORNELIUS, the duly-qualified Clerk of the City of Novi, Oakland County, Michigan, do hereby certify that the foregoing is an amended copy of the Resolution adopted by the City Council of the City of Novi with at least five (5) affirmative votes, at a duly-called meeting held on June 23rd, 2008, a copy of which is on file in my office.

MARYANNE CORNELIUS
Clerk, City of Novi

This Resolution was signed and acknowledged before me on _____, 2008, by MARYANNE CORNELIUS, the duly-authorized Clerk for the City of Novi, a Michigan municipal corporation.

Notary Public, Oakland County, Michigan
My Commission Expires: _____

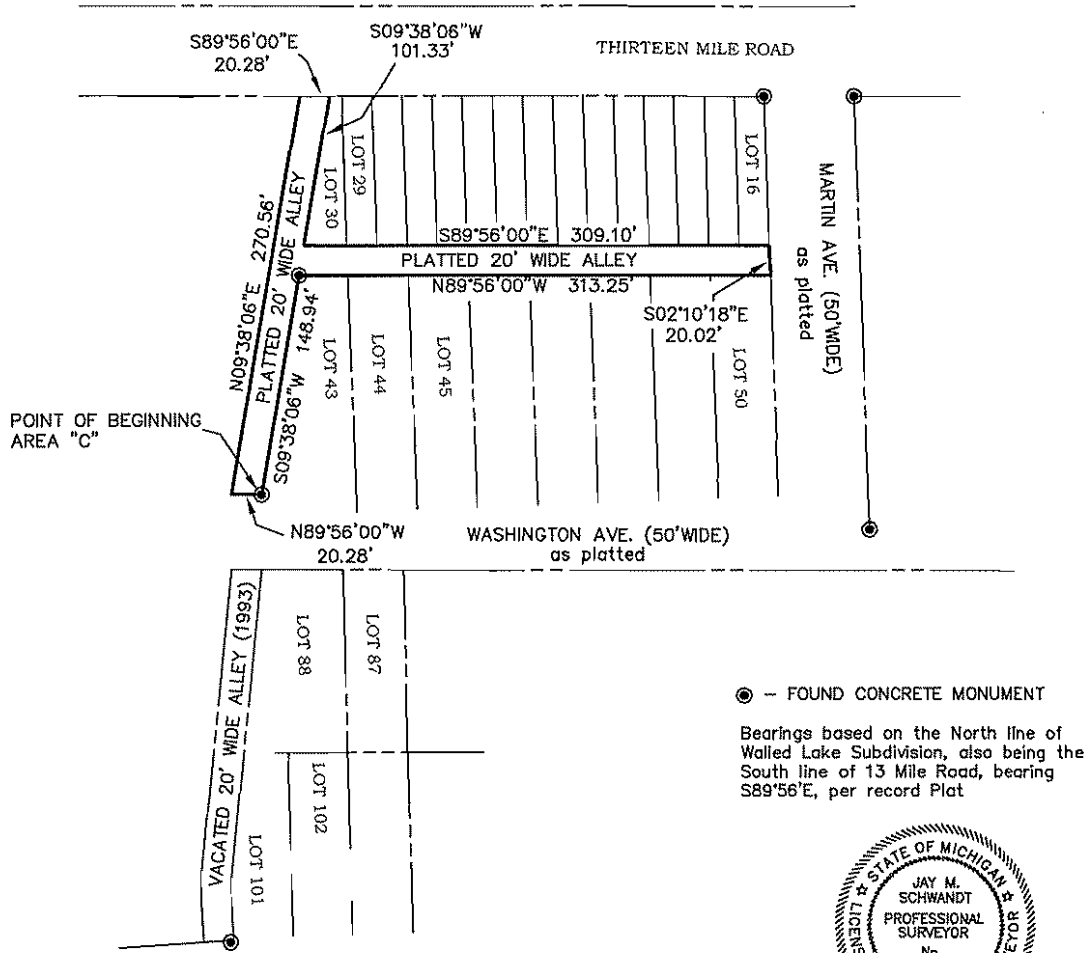
Recording Fee: \$17.00

Not Subject to Transfer Taxes: MCL 207.502 and MCL 207.523

PREPARED BY AND UPON RECORDING RETURN TO:
THOMAS R. SCHULTZ (P42111)
SECRET WARDLE
30903 NORTHWESTERN HIGHWAY
NOVI HILLS, MI 48334

C:\NrPortb\limage\BKUDLA\1064626_1.DOC

SKETCH & DESCRIPTION



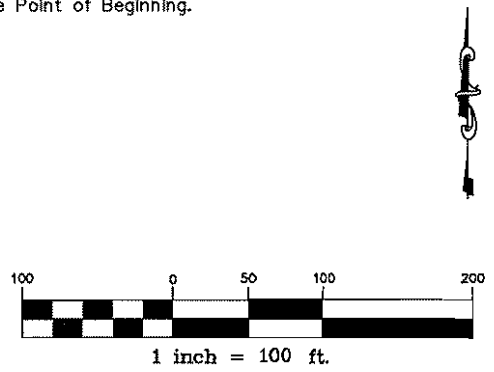
● - FOUND CONCRETE MONUMENT
 Bearings based on the North line of Walled Lake Subdivision, also being the South line of 13 Mile Road, bearing S89°56'E, per record Plat



Jay M. Schwandt

AREA "C" DESCRIPTION:

A portion of Platted Alley, in Walled Lake Subdivision, described as Beginning at the Southwest corner of Lot 43 in said Subdivision, said point also being at the intersection of the North line of Washington Ave. (as platted) and the East line of the 20 foot wide platted alley; thence N09°38'06"E 270.56 feet along the West line of said alley to a point on the South line of Thirteen Mile Road; thence S89°56'00"E 20.28 feet along the South line of Thirteen Mile Road; thence S09°38'06"W 101.33 feet; thence S89°56'00"E 309.10 feet to a point on the West line of Martin Ave. (as platted); thence S02°10'18"E 20.02 feet; thence N89°56'00"W 313.25 feet; thence S09°38'06"W 148.94 feet to the Point of Beginning.



FOR: City of Novi 45175 W. Ten Mile Road Novi, MI 48375	URS CORPORATION - GREAT LAKES		WALLED LAKE SUBDIVISION	
	27777 Franklin Road Suite 2000 Southfield, Michigan 48034 (248) 204-5900		DRAWN	JMS SHEET 2 OF 2
			COMPUTED	JMS JOB NUMBER



**CITY OF NOVI
ENGINEERING DIVISION**
(248) 735-5606 / Fax (248) 735-5683

RECEIVED
AUG 24 2007
CITY OF NOVI
FIRE DEPARTMENT

REQUEST TO VACATE CITY-OWNED PROPERTY

DATE: 8/22/07

- | | | |
|-----|--|---|
| TO: | <input checked="" type="checkbox"/> Department of Public Works | <input checked="" type="checkbox"/> Forestry (Steve Printz) |
| | <input checked="" type="checkbox"/> Water & Sewer | <input checked="" type="checkbox"/> City Attorney (Tom Schultz) |
| | <input checked="" type="checkbox"/> Fire (Chief Smith) | <input checked="" type="checkbox"/> Police (Chief Molloy) |
| | <input checked="" type="checkbox"/> Assessing (Glenn Lemmon) | <input checked="" type="checkbox"/> Planning (Barb McBeth) |

RE: **Portions of Public Alleys in Howell's Walled Lake Subdivision**

Please review the attached documents pertaining to the request made by Michael Butcher, owner of vacant land (PID #22-11-101-003) in the Howell's Walled Lake Subdivision, for vacating City-owned interest in the portion of the 20-foot wide public alleys abutting the west and south limits of this parcel. (See attached letter and maps). Following your review, please indicate **below** your concurrence or objection to this request, listing any issues concerning the abandonment and vacation of this City-owned property that could adversely impact City operations. *Please complete your review within one week of the routing date above. Return the completed form to Rob Hayes in the Engineering Division.*

Review Status:

- CONCUR**
- OBJECT**

Signature: *[Signature]* FIRE MARSHAL Date: 8/30/07

Comments:



**CITY OF NOVI
ENGINEERING DIVISION**
(248) 735-5606 / Fax (248) 735-5683

RECEIVED BY
ENGINEERING DIVISION
AUG 23 2007
CITY OF NOVI

REQUEST TO VACATE CITY-OWNED PROPERTY

DATE: 8/22/07

- TO:
- | | |
|--|---|
| <input checked="" type="checkbox"/> Department of Public Works | <input checked="" type="checkbox"/> Forestry (Steve Printz) |
| <input checked="" type="checkbox"/> Water & Sewer | <input checked="" type="checkbox"/> City Attorney (Tom Schultz) |
| <input checked="" type="checkbox"/> Fire (Chief Smith) | <input checked="" type="checkbox"/> Police (Chief Molloy) |
| <input checked="" type="checkbox"/> Assessing (Glenn Lemmon) | <input checked="" type="checkbox"/> Planning (Barb McBeth) |

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Return the completed form to Rob Hayes in the Engineering Division.

Review Status:

- CONCUR**
 OBJECT

Signature:  Date: August 23, 2007

Comments:

NO OBJECTIONS.

May 29, 2008

30903 Northwestern Highway
P.O. Box 3040
Farmington Hills, MI 48333-3040
Tel: 248-851-9500
Fax: 248-851-2158
www.secretwardle.com

Elizabeth M. Kudla
Direct: 248-539-2846
bkudla@secretwardle.com

Rob Hayes, City Engineer
CITY OF NOVI
45175 West Ten Mile Road
Novi, Michigan 48375

**Re: Howell's Walled Lake Subdivision
Vacation of Portions of Paramount Drive and Two 20-Foot
Wide Public Alleys
Our File No. 55142.NOV**

Dear Mr. Hayes:

We have received and reviewed the materials you provided regarding, (1) Request to Vacate portions of Paramount Street within Howell's Walled Lake Subdivision, and (2) Request to Vacate Portions of Alleys in Howell's Walled Lake Subdivision.

The Land Division Act, Public Act No. 288 of 1967, as set forth in MCL 560.101, *et seq.*, provides for the vacation of public roads and alleys within platted subdivisions. MCL 560.255a provides that a municipality may revise, alter and/or vacate land used for a public way and/or vehicular travel so long as that land is not within 25 meters of a lake or the general course of a stream.

Based on our review of the materials provided, including a copy of the plat and aerial photographs, it appears that neither Paramount Street, nor the public alleys in question are within 25 meters of a lake or the general course of a stream. Subject to confirmation of this fact, Paramount Street and the public alleys may be vacated by resolution of City Council.

Section 7.6 of the City Charter provides that the issue of right-of-way vacation must be set for a public hearing. Notice of the public hearing must be provided one week in advance in the City's usual manner. We have prepared and enclosed the following Resolutions the City may use for setting a public hearings regarding Paramount Street and the public alleys:

1. Resolution to Set Public Hearing to Consider Vacating Paramount Street in the City of Novi.

2. Resolution to Set Public Hearing to Consider Vacating Alleys in the Howell's Walled Lake Subdivision in the City of Novi.

In both resolutions, we listed the June 19, 2008 as the date City Council decides whether to set the public hearings, and July 7, 2008 as the date of the public hearing. Should you wish to alter these dates, please let us know and we will either change the dates or forward the Resolutions electronically in Word format for modification, whichever you prefer.

Please note that both Resolutions contain a requirement for notice to be mailed directly to owners of parcels adjacent to Paramount Street, and adjacent to the public alleys. This is not a requirement of the Charter or a statute but is common practice for this type of issue.

If City Council determines to proceed with the vacation after the public hearing, we have also drafted and enclosed the following "second" Resolutions accomplishing the vacations for consideration at a separate City Council meeting:

3. Resolution Vacating a Portion of a Platted Street Known as Paramount Street in the Howell's Walled Lake Subdivision in the City of Novi.
4. Resolution Vacating Alleys in the Howell's Walled Lake Subdivision in the City of Novi.

We have attached the Exhibits you provided describing Paramount Street and the public alleys. The Resolutions vacating Paramount Street and the public alleys must be approved by five (5) members of City Council. Note that, while the vacation by the City Council would abandon the City's interest in the area and will likely result in the City Assessor taking appropriate action to reflect the vacation, it will be up to the adjoining owners to determine if any formal vacation through the Circuit Court is required to assure their clean and unencumbered title to the area as contemplated by the Land Division Act.

It is our understanding that both the Community Development and Engineering Departments have considered the issue of whether the right-of-way should be vacated, and if so, if it is necessary for the City to maintain any utility easements in that area, and that both have determined no easements are required. If the City determines an easement should be retained, the "second" resolution may be modified to set forth an easement.

It is also our understanding that both Community Development and Engineering have confirmed that there is no need for the City to retain an easement over the vacated portions of Paramount Street or the alleys. If the City

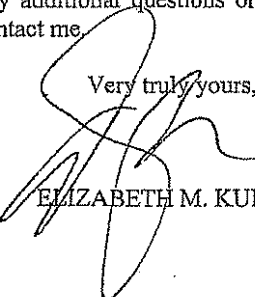
Rob Hayes, City Engineer
May 29, 2008
Page 3

determines an easement should be retained, the "second" resolution may be modified to set forth an easement.

Finally, MCL 560.257 requires that the resolutions vacating Paramount Street and the public alleys to be recorded within 30 days with the register of deeds and a copy shall be sent to the state treasurer.

Should you have any additional questions or concerns in regard to this matter, please feel free to contact me.

Very truly yours,



ELIZABETH M. KUDLA

EMK

Enclosures

C: Maryanne Cornelius, Clerk (w/Enclosures)
Clay Pearson, City Manager (w/Enclosures)
Benny McCusker, DPW Director (w/Enclosures)
Brian Coburn, Civil Engineer (w/Enclosures)
Barb McBeth, Deputy Community Development Director (w/Enclosures)
Thomas R. Schultz, Esquire (w/Enclosures)

C:\Nrp\Portbl\munge\BKUDLA\1075984_1.DOC

Vac. of Public Alley

My name is Michael D. Butcher
owner of vacant land on 13mile,
Tax ID # 22-11-101-003. I am
writing this letter in regards to
vacating the public allees that touch
my property in the back and side.

If you have any question or
need anything Else please Call me.

Sincerely yours,

Mike Butcher
(734) 612-6741

Request to Vacate Public Alleys Howell's Walled Lake Subdivision



CITY OF NOVI
ENGINEERING DEPARTMENT
100 W. W. BURNETT DR. #100
NORTH HAVEN CIVIC CENTER
451 W. HENRIE ROAD
NOVI MI 48375-2024
248.447.0154
WWW.CITYOFNOVI.ORG



MAP INTERPRETATION NOTICE
Map information displayed is intended to replace or a backup for any official status records. This map is intended to reflect National Map Accuracy Standards and is the most recent available. It is not a substitute for the original records of record. Boundary measurements and area calculations are approximate. It should not be construed as an authorization to perform or conduct Michigan State or Federal Mapping Public Act 157 of 1970. Please note that the City GIS Manager is not responsible for any information not included on this map.

MEMORANDUM



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TO: CLAY PEARSON, CITY MANAGER
FROM: ROB HAYES, CITY ENGINEER *RH*
SUBJECT: UPDATE ON REQUEST TO VACATE REMAINING ALLEYS IN HOWELL'S WALLED LAKE SUBDIVISION
DATE: MARCH 26, 2008

You may recall that we received a request late last year from Mr. Michael Butcher to vacate the two remaining 20-foot wide public alleys in the Howell's Walled Lake subdivision (see attached memorandum). Both of these alleys are unimproved, and there are no public utilities in either right-of-way. The other two alleys in the subdivision were located south of Wainright and Linhart, and were vacated by Novi City Council in 1988 and 1993 respectively, as shown on the attached map.

Engineering staff have requested feedback from the affected parcel owners, and the results are summarized below:

Parcel ID	Parcel Owner	Approve	Object	No Response
22-11-101-001	Griedorf			√
22-11-101-002	Helwig	√		
22-11-101-003	Butcher	√		
22-11-101-004	Williams			√
22-11-101-005	Tolettene	√		
22-11-101-006	Damron	√		
22-11-101-007	Damron	√		
22-11-101-008	Damron	√		
22-11-101-009	Licovoli		√	
22-11-101-010	Good			√
22-11-101-011	Jacobs			√
22-11-101-012	Helwig	√		
TOTALS:		7	1	4

As you can see, 7 out of 12 parcel owners favor the vacation (or 4 of the total of 5 people who provided a response). Based on these results, as well as the favorable recommendations received from City staff, I plan on bringing this issue for Council's consideration at the April 21, 2008 City Council meeting. If Council determines that this request has merit, then a resolution to set a public hearing for a subsequent Council meeting would need to be approved at the April 21st meeting.

Please let me know if you have any questions or require further information in regard to this matter.

cc: Pam Antil, Assistant City Manager



File

MEMORANDUM

To: Clay Pearson, City Manager
Pam Antil, Assistant City Manager

From: Rob Hayes, City Engineer *RH*

Re: **Request to Vacate Remaining Howell's Walled Lake Subdivision Alleys**

Date: October 19, 2007

The latest street vacation request is for the two remaining public 20-foot wide alleys in the Howell's Walled Lake subdivision between Thirteen Mile Road and Wainright Street, just east of Old Novi Road (see attached map). Both alleys are unimproved, and there are no public utilities in either right-of-way.

This request is from Mr. Michael Butcher (owner of undeveloped Parcel ID No. 22-11-101-003, which consists of Lots 27-30) who resides in Garden City. Mr. Butcher was initially interested in vacating only the portions of the two alleys that directly border his property; however, I informed him that because the area vacated would be equally split between adjoining parcel owners, all affected landowners would have to agree to accept the additional taxable land resulting from this vacation.

A comparison of the subdivision plat to current parcel lines shows that the City apparently vacated two similar 20-foot wide public alleys directly to the south (one was between Wainright and Linhart Streets, and the other south of Linhart). I will request that the Clerk's office determine if and when these alley vacations may have occurred.

I have circulated the request to all relevant departments for review and have received no objections. Before Engineering takes this matter forward for Council's consideration, Engineering will send a letter to each affected landowner and request that they indicate whether they would be in favor of or opposed to vacating the alleys. Of course, we would also have the City Attorney conduct a comprehensive review of the issue before it goes before Council.

Please let me know if you have any questions or comments in regards to this alley vacation request.

cc: Tom Schultz, City Attorney
Maryanne Cornelius, City Clerk

Vac. of Public Alley

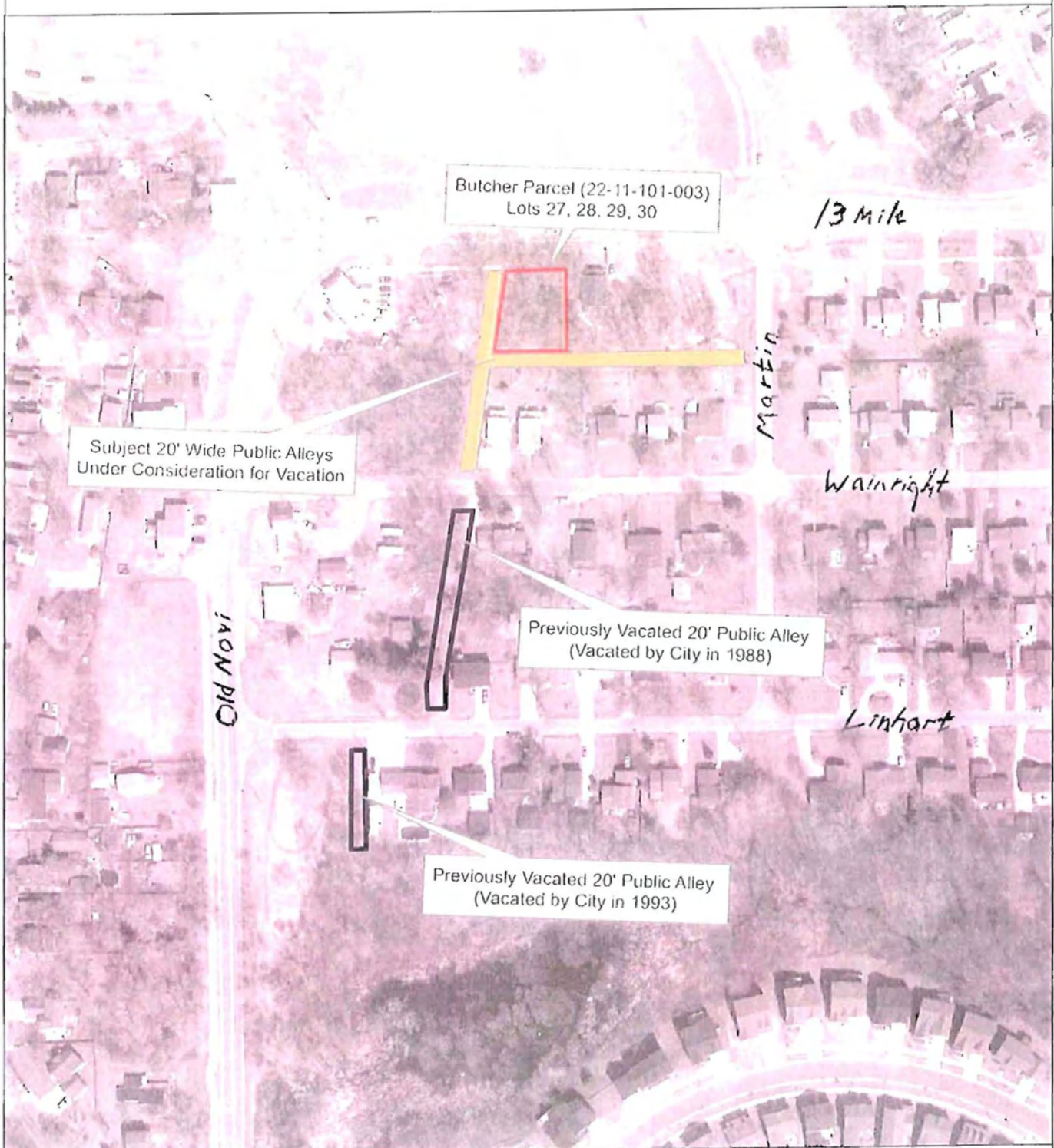
My name is Michael D. Butcher
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Tax ID # 22-11-101-003. I am
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vacating the public allees that touch
my property in the back and side.

If you have any question or
need anything Else please Call me.

Sincerely yours,

Mike Butcher
(734) 612-6741

Request to Vacate Public Alleys Howell's Walled Lake Subdivision



CITY OF NOVI
ENGINEERING DEPARTMENT
 180 W. W. 10th Street, 10th Floor
 NOVATI CITY HALL CIVIC CENTER
 14125 W. 11th Mile Road
 NOVATI MI 48375-3024
 (248) 347-0454
 WWW.CITYOFNOVI.ORG



MAP INTERPRETATION NOTICE
 Map information depicted is not intended to replace or substitute for any official or primary source. This map was utilized to meet National Map Accuracy Standards. Due to the best practices and the sources available to the people of the City of Novi, boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 142 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

Rob Hayes



October 22, 2007

CITY COUNCIL

Mayor
David B. Landry

Mayor Pro Tem
Kim Capello

Bob Gatt

Terry K. Margolis

Andrew Mutch

Toni Nagy

Lynne Paul

City Manager
Clay J. Pearson

City Clerk
Maryanne Cornelius

Dear Resident,

This letter is to inform you that the City of Novi has received a request to vacate the two public 20-foot wide alleys in the Howell's Walled Lake Subdivision, one of which borders your property. If City Council approves vacating, the alley would be split equally between the adjoining parcel owners. As you are one of the landowners affected, you would have to agree to accept the additional taxable land resulting from this vacation.

If you would be in favor of or opposed to vacating the alleys, please contact the Engineering Department at 248-347-0454.

Sincerely,

Lisa DeMeo
Senior Customer Service Rep.

Cc: Rob Hayes, P.E.
Michael Butcher

45175 W. Ten Mile
Novi, MI 48375
(248) 347-0460
(248) 347-0577 Fax
www.cityofnovi.org



"Enhancing Novi's quality of life"

Name: CARL HELWIG

Address: 22755 INDIAN WOOD DR, South Lyon, MI 48178
248-486-5525

Approve: X

Object: _____

Comments: I think its A great idea, I'm All for it.
I own lots 36 me. 42 on Old Novi Rd. and Lots
16 me. 23 on Thirteen Mile

Mail to: City of Novi
Engineering Department
45175 W. Ten Mile Rd
Novi, MI 48375

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ENGINEERING DIVISION
OCT 30 2007
CITY OF NOVI

Name: LAURA TOLETTE NE

Address: 43243-13MI Novi 48377

Approve: ✓

Object: _____

Comments: _____

Mail to: City of Novi
Engineering Department
45175 W. Ten Mile Rd
Novi, MI 48375

RECEIVED BY
ENGINEERING DIVISION
OCT 31 2007
CITY OF NOVI

Name: Ray DAMTON

Address: 129 Wainwright ST.

Approve: YES oh! YES

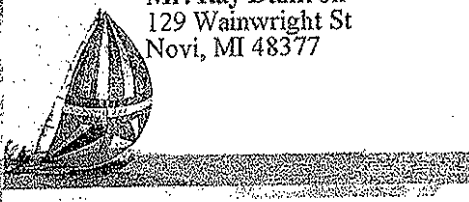
Object: _____

Comments: about the 2 alley ways in
walled gate Rowello Sub Pln.
My Lots Legal 43 and 44

Mail to: City of Novi
Engineering Department
45175 W. Ten Mile Rd
Novi, MI 48375

Mr. Ray Damron
129 Wainwright St
Novi, MI 48377

7541 5000 10000 10000 10000



Filippo & Lynn LiCavoli
137 Wainwright
Novi, MI 48377

November 2, 2007

City of Novi
Engineering Department
45175 W. Ten Mile Road
Novi, MI 48375

Subject: Additional land acquisition

Dear Sir/Madam;

In response to your letter dated October 22, 2007 regarding acquiring the additional land after dispersing the alleys between our house and our neighbors. We decline acceptance of the additional taxable property.

Regards,



Lynn LiCavoli

