

June 6, 2007

Rob Hayes, P.E.
City of Novi
45175 W. Ten Mile Road
Novi, MI 48375

Dear Mr. Hayes,

We are writing to petition the city to vacate a small parcel of property that is adjacent to the west side of our home. A few weeks ago we began building a small garden shed next to our garage which had been approved by the Meadowbrook Lake association. We were notified by the city that we were not within our lot #35 boundaries. To make a long story short we found out our lot line ends one inch beyond the side of our garage.

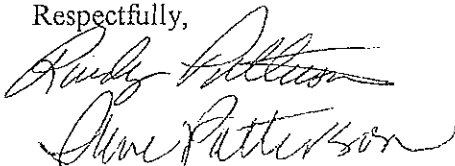
I personally went to the assessment and engineering department at the city and was instructed to write you to explain the situation. When the home was built in 1969 there were plans to provide an access road (Ampton Dr) along the Ingersoll Creek. I was told these plans have been abandoned and only an easement for access to the creek is necessary. Ingersoll Creek divides the property between our neighbor and ourselves.

All past and present home owners of 41626 Chattman have been maintaining this property for years. We are asking the city to vacate the property so we may attach our shed, as approved by the association and also be within city ordinances. This would also provide for a more proper lot line clearance of the property with location of our existing home.

We are trying to complete this project by the middle of August 2007 as we are having a wedding event at our home for our daughter. Anything you can do to expedite this process would be much appreciated. It is my understanding this needs to go to all departments and city counsel for approval.

You can contact us at our home address 41626 Chattman Street or by phone (248)-755-3422. Thank you in advance for consideration of our request.

Respectfully,

The image shows two handwritten signatures in cursive. The first signature is 'Randy Patterson' and the second is 'Ilene Patterson'. Both are written in dark ink.

Randy and Ilene Patterson



June 22, 2007

Randy and Ilene Patterson
41626 Chattman
Novi, MI 48375

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

Re: Request for Vacation of Plated Subdivision Street
Your letter dated June 6, 2007

Dear Mr. & Mrs. Patterson:

I have received your request to vacate a stub street (Ampton Drive) in the Meadowbrook Lake subdivision. Following my initial review of your request, I will determine whether there is a compelling reason to recommend against vacation. If so, I will contact you to determine whether you would still like to proceed with your request; otherwise, I will circulate the request to relevant departments within the City of Novi for their review and comment.

Once all departmental comments have been received, I will place the issue on a future City Council meeting agenda as a public hearing item. Once the public hearing is conducted and all comments in favor of and opposed to the proposed vacation are heard, a resolution for vacating the City's interest will be considered by City Council at a subsequent City Council meeting.

This entire process may become lengthy - sometimes it may have a duration of up to six months. I will keep you apprised as we move through the process. In the meantime, please feel free to contact me if you have any questions or concerns in regards to this issue.

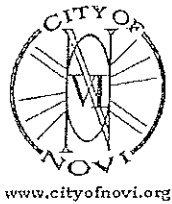
Sincerely,

Rob Hayes, P.E.
City Engineer

45175 W. Ten Mile
Novi, MI 48375
(248) 347-0460
(248) 347-0577 Fax
www.ci.novi.mi.us



"Enhancing Novi's quality of life"



Community Development Department
45175 W. Ten Mile Road
Novi, MI 48375

August 9, 2007

REQUEST TO VACATE CITY-OWNED PROPERTY

Ampton Drive, Meadowbrook Lake Subdivision

The Community Development Department concurs with the request to vacate Ampton Drive, based on the following analysis:

1. Ampton Drive was planned as a stub street to connect Meadowbrook Lake subdivision to the property to the north (Orchard Hills West subdivision). The easement for Ampton Drive is unimproved; it has not been constructed as a street, and there are not any lots that have their access from it. If constructed, Ampton Drive would connect to a conservation easement in Orchard Hills West, rendering it unusable for access by either residents or emergency vehicles.
2. A branch of the Middle Rouge River runs generally along the western boundary of the Ampton Drive easement. Also, per FEMA mapping, a significant portion of Ampton Drive would be within a flood area.
3. The Meadowbrook Lake subdivision is zoned R-3, which has a minimum lot area standard of 12,000 sf and a minimum lot width standard of 90'. Ampton Drive is approximately 9,900 sf in area and has a width of 60'. It could not be developed as a parcel on its own, but would instead be combined with the adjacent parcel(s). Verification could be made by the Assessing Department regarding how the easement would be divided between the adjacent parcels, and whether or not additional legal procedures are necessary to combine Ampton Drive with the propertie(s).
4. Staff expects that verification would need to be made regarding whether a water drainage easement would need to be maintained along Ampton Drive.

Klaudia Reinowski

Building
248-347-0415
248-735-5600 Fax

Planning
248-347-0475
248-735-5633 Fax

Ordinance Enforcement
248-735-5678
248-735-5682 Fax



MEMORANDUM

Date: August 13, 2007

To: Benny McCusker, Director Of Public Works

From: Tim Wright, Roads and Drains Manager
Tim Sikma, Water and Sewer Manager

TW.
TS

CC: Howard Aube, DPW

**Subject: Request to Vacate City-Owned Property
Ampton Drive, Meadowbrook Lake Subdivision**

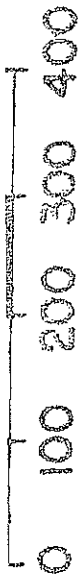
We have reviewed the plans to vacate the property known as Ampton Drive by Randy and Ilene Patterson of 41626 Chattman Drive. This property is part of a buffer zone for the Middle Rouge River in the Meadowbrook Lake Subdivision. The area is part of the headwaters for the most regulated water systems in Southeast Michigan. The protection of this area is essential to the community and the environment.

This property is utilized for maintenance of the stream bed as required in the Storm Water Master Plan Phase II. The City recently completed a large stream bank stabilization program using grant funds to restore and protect this area.

In addition, a 36 inch sanitary sewer line runs through the property. This location will be used as one of the only access points for cleaning the sanitary sewers along the mainline. Detroit Edison power lines also run along the north end of the property.

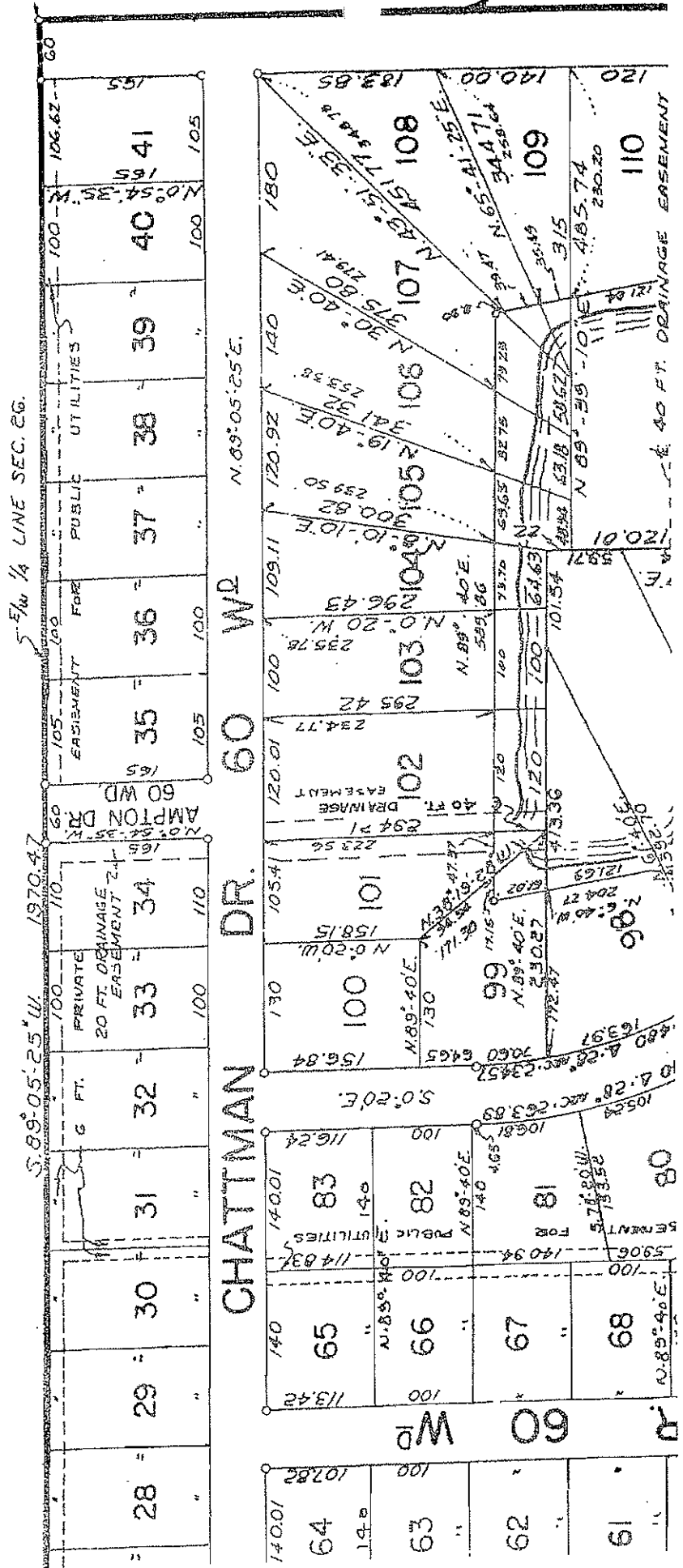
We believe that the vacation of this property would adversely impact the City's ability and obligation to protect and maintain this sensitive area. We recommend that the City deny the request to vacate the City owned property known as Ampton Drive in the Meadowbrook Lake Subdivision.

Should you have any questions or concerns regarding this review, please contact us.



NOTE = ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
 ALL CURVILINEAR DIMENSIONS ARE GIVEN ALONG THE ARC.

UNPLATTED





MEMORANDUM

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

From: Rob Hayes, City Engineer

Re: Request to Vacate Ampton Drive

Date: August 21, 2007

8-23-07
To: Mayor and City Council Members
FYI, future discussion item
CHP

We received a written request to vacate Ampton Drive - an unimproved 60-foot wide stub street north of Chattman Drive in the Meadowbrook Lake subdivision, as depicted on the attached plat map. Ampton Drive was to have served as a connector to Orchard Hills West streets to the north; however, this area has since been designated as a conservation easement. The Middle Rouge River traverses the west side of the Ampton Drive right-of-way from north to south.

The request was submitted by Randy and Ilene Patterson, who live on the adjoining parcel to the east of Ampton Drive at 41626 Chattman, as shown on the attached aerial photograph. Note that the Patterson's west garage wall is practically on the property line and therefore does not meet the minimum 15-foot side setback requirement. As they assert in their letter, the Pattersons were unaware of the true location of their west property line and have been maintaining most of the area within the right-of-way for several years.

Administrative staff have reviewed the Patterson's request to vacate Ampton Drive. The Police, Assessing and Fire Departments concurred with the request without comment. The City Forester also concurred given that the following conditions are met:

- A 25-foot wide vegetated buffer is to be maintained to protect the water quality of the Middle Rouge River.
- The woodlands in the right-of-way are to be protected.
- Removal of trees and other vegetation must first be approved by the City.

The Planning Division concurred with the request and provided a memorandum with comments (Karen Reinowski's August 9, 2007 memo, attached).

Engineering and Public Works object to the request and recommend denial for the following reasons:

- The City requires access to this portion of the Middle Rouge River in order to conduct required drainage maintenance issues, mostly relating to ongoing streambank erosion and sedimentation.
- The City also needs access to this area to maintain the 36-inch diameter sanitary interceptor sewer that runs north-south along the east side of the right-of-way (at a distance of approximately 10 feet from the property line and the Patterson's garage).
- As part of the adoption of the Phase II Stormwater Master Plan Update, the City made a commitment to establish and maintain riparian buffers on public land. If this right-of-way were to be vacated, there would be no assurance that the buffer would be maintained in the future.

Request to Vacate Ampton Drive
August 21, 2007
Page 2

Following a public hearing, Council could consider this request and decide to either:

- Approve the request, but make approval contingent upon 1) the conveyance of drainage and sanitary sewer easements to the City; and, 2) the execution of a maintenance agreement to provide some level of assurance that the riparian buffer would be maintained for perpetuity.
- Deny the request, but direct staff to evaluate a way to remedy the side setback deficiency on the Patterson's parcel.
- Deny the request outright.

*Revised
CSA*

]

Please let me know if you have any questions or comments in regards to this vacation request and how you like to proceed.

cc: Tom Schultz, City Attorney



August 31, 2007

Frank and Annette Duva
41644 Chattman Drive
Novi, Michigan 48375

RE: Vacation of Ampton Drive

Dear Mr. & Mrs. Duva:

This letter is to inform you the City has received a request from the property owners immediately east of you (the Pattersons) to vacate the 60-foot wide unimproved right-of-way situated between your two properties known as Ampton Drive (see attached plat map). The Novi City Council will consider this request at its September 10, 2007 meeting and set the date for a future Public Hearing for the proposed street vacation.

Pleased be advised that if Ampton Drive were to be vacated, the land would be split equally between the Pattersons and you. The following list includes, but is not limited to, items the City *may* require as conditions towards granting the street vacation:

- A drainage easement for the City to access and maintain the Middle Rouge River reach within the current Ampton Drive right-of-way;
- A sanitary sewer easement for the City to access and maintain the 36" interceptor sewer that traverses the Ampton Drive right-of-way;
- An agreement requiring conservation of a 25-foot wide vegetated buffer along the Middle Rouge River within the current Ampton Drive right-of-way; and,
- A property assessment increase due to the resultant increase in parcel size.

We would like to hear your opinion regarding the proposed street vacation as soon as possible. Please feel free to contact me at (248) 735-5606 at any time.

Sincerely,

Rob Hayes, PE
City Engineer

cc: Randy and Ilene Patterson, 41626 Chattman Drive

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

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"Enhancing Novi's quality of life"



October 1, 2007

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 48375-3024

**Re: Ampton Drive – Meadowbrook Lake Subdivision
Proposed Vacation of Unimproved Stub Street
Our File No. 55142.NOV**

Dear Mr. Hayes:

We have received and reviewed the materials you presented regarding the request of the Randy and Ilene Patterson for the City to vacate Ampton Drive, a stub street located within the Meadowbrook Lake Subdivision. The roads within the Meadowbrook Lake Subdivision are dedicated to the public on the recorded plat.

We note from the materials you provided, including an aerial photograph of Ampton Drive, the letter from Mr. and Mrs. Patterson, the Engineering Division's recommendation memorandum, and the recorded plat itself, that it appears that Ampton Drive is within 25 meters of a lake or general course of a stream, consisting more specifically of the Middle Rough River which leads into what appears to be Meadowbrook Lake.

Section 226 of the Michigan Land Division Act requires that requests to vacate a public highway that borders on, crosses, is adjacent to, or ends at any lake or the general course of any stream requires an action to be filed in Circuit Court:

(2) *If a circuit court determines pursuant to this act that a recorded plat or any part of it that contains a public highway or portion of a public highway that borders on, crosses, is adjacent to, or ends at any lake or the general course of any stream, should be vacated or altered in a manner that would result in a loss of public access, it shall allow the state and, if the subdivision is located in a township, the township to decide whether it wants to maintain the property as a an ingress and egress point. If the state or township decides to maintain the property, the court shall order the official or officials to either*

Rob Hayes, City Engineer
October 1, 2007
Page 2

relinquish control to the state or township if the interest is nontransferable or convey by quitclaim deed whatever interest in the property that is held by the local unit of government to the state or township. The township shall have first priority to obtain the property or control of the property as an ingress and egress point. If the township obtains the property or control of the property as an ingress and egress point and later proposes to transfer the property or control of the property, it shall give the department of natural resources first priority to obtain the property or control of the property. If the state obtains the property or control of the property under this subsection, the property shall be under the jurisdiction of the department of natural resources. The state may retain title to the property, transfer title to a local unit of government, or deed the property to the adjacent property owners. If the property was purchased from restricted fund revenue, money obtained from sale of the property shall be returned to that restricted fund.

It appears based on the materials provided the property owners must file a circuit court action seeking vacation of Ampton Drive.

We are enclosing a Resolution setting the matter for public hearing so that City Council may consider, based on the information provided, whether it should set the matter for public hearing, or whether it should deny the Resolution setting the matter for public hearing based on the reasons set forth in the materials and recommendations presented.

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

Very truly yours,



ELIZABETH M. KUDLA

EMK

Enclosure

C: Maryanne Cornelius, Clerk (w/Enclosure)
Clay Pearson, City Manager (w/Enclosure)
Pam Antil, Assistant City Manager (w/Enclosure)
Benny McCusker, DPW Director (w/Enclosure)
Barb McBeth, Deputy Community Development Director (w/Enclosure)
Glenn Lemmon, Assessor (w/Enclosure)
Thomas R. Schultz, Esquire (w/Enclosure)

October 2, 2007

Rob Hayes, P.E.
City of Novi
45175 W. Ten Mile Road
Novi, MI 48375

Dear Mr. Hayes,

Thank you for meeting with us last Friday September 28th regarding our petition to vacate the small parcel of property that is adjacent to the west side of our home. (Ampton Drive on the city's plot plan)

We understand the city council will need to meet at least twice to hear and consider this proposal. In addition we understand and agree to the following:

1. The City of Novi would have a variance for the drainage/sanitation access.
2. The City of Novi would secure an easement to maintain Ingersoll Creek
3. The property dividing line will begin from the middle of the creek between the Duva's and Patterson's. An easement will extend out from the creek on both sides to maintain Ingersoll Creek
4. The City of Novi may at some time in the future develop the woodland behind our property into a community walking trail. At that time the City may install a walkway on the west side of our property to access such trails.

We think a community walking trail would highly enhance our subdivision, bringing our "older sub" up to the standards of many of the new communities in our area.

We look forward to attending the next council meeting on October 8, 2007 for consideration of this proposal. Should you need to contact us before this meeting we can be reached at our home address 41626 Chattman Street or by phone (248)-755-3422. Thank you in advance for consideration of our request.

Respectfully,

Randy and Ilene Patterson



www.cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item 3
October 8, 2007

SUBJECT: Consideration of the vacation of Ampton Drive, an unimproved stub street in the Meadowbrook Lake subdivision, and approval of resolution to set a public hearing for the October 22, 2007 City Council meeting.

SUBMITTING DEPARTMENT: Engineering Department / 112

CITY MANAGER APPROVAL: *HA for CJP*

EXPENDITURE REQUIRED	N/A
AMOUNT BUDGETED	N/A
APPROPRIATION REQUIRED	N/A
LINE ITEM NUMBER	N/A

BACKGROUND INFORMATION:

Randy and Ilene Patterson of 41626 Chattman Drive have formally requested the vacation of Ampton Drive in the Meadowbrook Lake subdivision. Ampton Drive is unimproved and is bisected by the Middle Rouge River. When the subdivision was platted in the early 1960s, the eventual purpose of Ampton Drive was to provide access to the property to the north once it was developed. Ampton Drive remains unimproved because development has never occurred directly to the north and a conservation easement has been placed upon the land.

The Pattersons have been maintaining the subject area and have indicated that they were under the impression it was part of their property. In fact, the Patterson's request to vacate Ampton Drive came after Code Enforcement staff directed them not to construct a storage shed on City property as they had planned earlier this summer. For all intents and purposes, there is no side setback along the Patterson's west property line because their existing garage is located a foot or less from the property line/Ampton Drive right-of-way.

The City currently uses the Ampton Drive right-of-way for these primary purposes: 1) to access and maintain streambanks along the Middle Rouge River; 2) to access and maintain a 36-inch diameter sanitary interceptor sewer that traverses Ampton Drive from north to south; and, 3) to provide a riparian buffer to protect water quality of the Middle Rouge.

Administration staff have reviewed the request. The Planning Division as well as the Police, Assessing and Fire Departments concurred with the request. The City Forester also concurred given that a vegetated riparian buffer is maintained, the woodlands are protected and the City approves any future removal of trees and vegetation. Engineering and Public Works object to the request for the following reasons:

- The City requires access to this portion of the Middle Rouge River in order to conduct maintenance activities to mitigate streambank erosion and sedimentation.
- The City requires access to this area to maintain the sanitary interceptor sewer.
- The City is currently trying to establish a vegetated riparian buffer along this portion of the Middle Rouge River.

If approval of this vacation is considered, it is recommended that the following conditions be met:

- Conveyance of a 35-foot wide drainage maintenance easement to the City.
- Conveyance of a 20-foot wide sanitary sewer maintenance easement to the City.
- Execution of an agreement that requires the protection of woodlands and the establishment and protection of a 25-foot wide vegetated riparian buffer along the Middle Rouge River.

In their attached October 2, 2007 letter, the Pattersons acknowledge the conditions that might be applied to the potential street vacation. Also, because the area under consideration is part of a platted subdivision, if it were to be vacated the area would be split equally between the neighboring landowners. Engineering sent the attached August 31st letter to Mr. & Mrs. D'Uva, who own the neighboring parcel to the west. A meeting was held on September 28th with Mr. D'Uva and the Pattersons. Mr. D'Uva indicated that he is not interested in receiving his half of the split because the river would prevent access to a good portion of the west half that he would otherwise own as a result of a vacation. Instead, Mr. D'Uva stated that - at the very most - he would be interested in the land to the centerline of the river.

Finally, the City Attorney's review of this issue reveals that the applicants would need to file a circuit court action for the vacation because Ampton Drive abuts the Middle Rouge River and therefore provides public access to this natural resource (Beth Kudla's October 1, 2007 letter, attached). A circuit court decision would be necessary to effect the vacation regardless of Council's decision on this matter.

Attached for Council's consideration is a Resolution to set a public hearing date for October 22, 2007 should Council deem it to be necessary.

RECOMMENDED ACTION: Consideration of the vacation of Ampton Drive, an unimproved stub street in the Meadowbrook Lake subdivision, and approval of resolution to set a public hearing for the October 22, 2007 City Council meeting.

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

	1	2	Y	N
Council Member Mutch				
Council Member Nagy				
Council Member Paul				

CITY OF NOVI

OAKLAND COUNTY, MICHIGAN

**RESOLUTION TO SET PUBLIC HEARING TO CONSIDER
VACATING AMPTON DRIVE IN THE CITY OF NOVI**

At a meeting of the City Council of the City of Novi, Oakland County, Michigan, held on the _____ day of _____, 2007, at the City Hall, 45175 West Ten Mile Road, Novi, Michigan 48375.

The following resolution was offered by _____ and supported by _____.

WHEREAS, a request has been received by the City Council seeking the vacation, discontinuance, or abolition of a public road within the City of Novi, located between lots 34 and 35 of the Meadowbrook Lake Subdivision, know as "Ampton Drive," as shown on the plat, attached as Exhibit A, and described as:

Ampton Drive, Meadowbrook Lake Subdivision, according to the recorded Plat thereof, as recorded in Liber 106 of plats, pages 6 and 7, Oakland County Records

WHEREAS, the request for vacation asserts that road may be vacated without any adverse effects on the public health, safety, and/or welfare;

WHEREAS, the City Council has considered such request and has determined to proceed to further consideration of such action in accordance with the requirements of the applicable statutory, charter, and ordinance provisions, and pursuant to the terms of the attached proposed resolution;

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

1. That the City Council deems it advisable to consider the vacation, discontinuance, or abolition of Ampton Drive located east of Novi Road, and south of Grand River Avenue, within the City of Novi, County of Oakland, State of Michigan.

2. That the City Council will meet and hear objections, if there are any, to such vacation, discontinuance, or abolition on the ___th day of _____ 2007, at 7:00 p.m. at the City of Novi City Hall.
3. The City Clerk is hereby directed to publish notice of such meeting in the newspaper of general circulation in the City, not less than seven days before the time appointed for such meeting. The City Clerk shall also give notice by first class mail to the owners of all property abutting the portion of such platted public road that is legally described in paragraph 1, as shown upon the assessment rolls of the City.

AYES:

NAYS:

ABSTENTIONS:

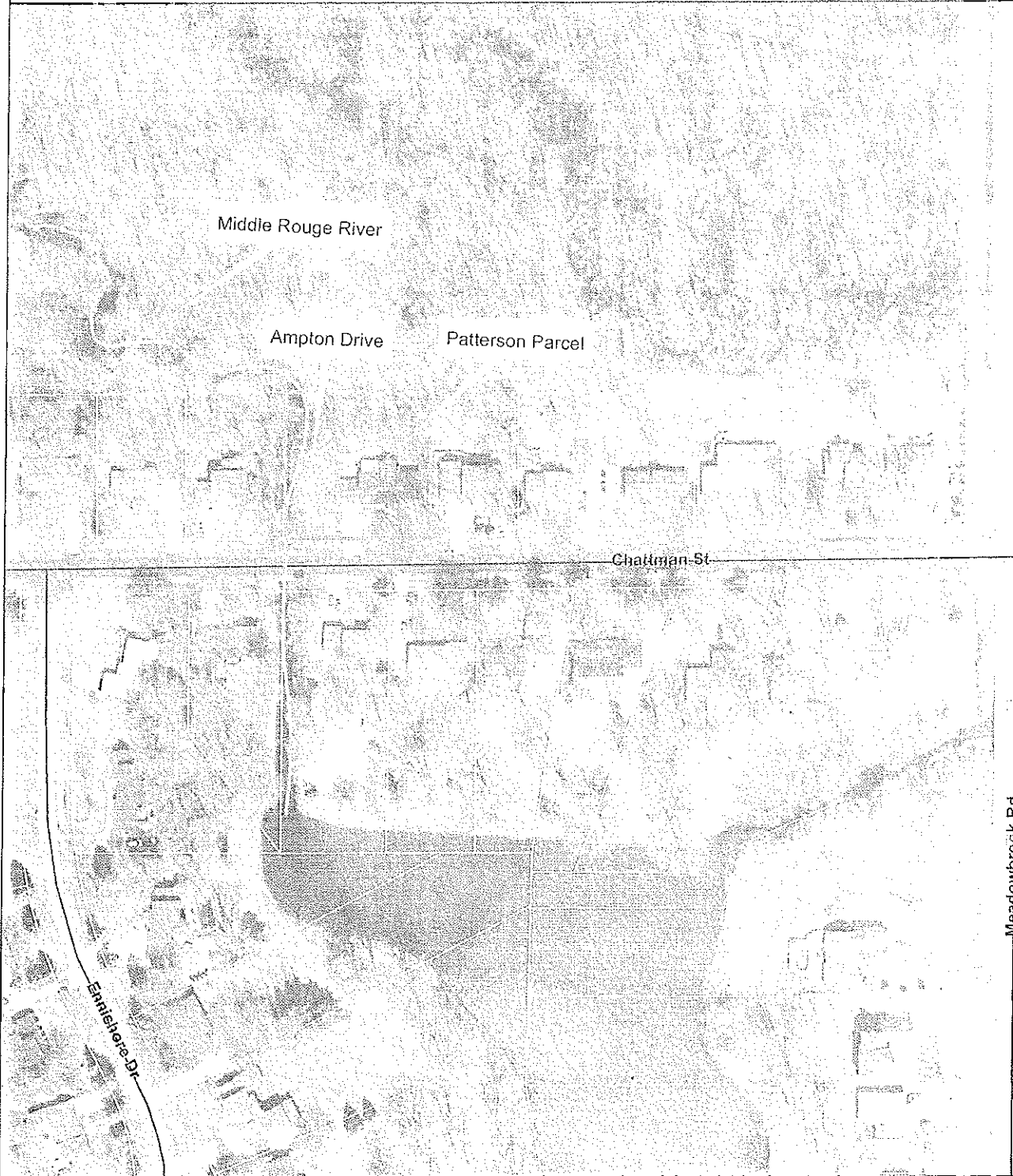
STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I, MARYANNE CORNELIUS, the duly-qualified Clerk of the City of Novi, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Novi at a duly-called meeting held on the ___ day of _____, 2007, the original of which is on file in my office.

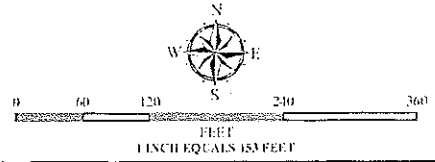
IN WITNESS WHEREOF, I have hereunto affixed my official signature this ___ day of _____, 2007.

MARYANNE CORNELIUS
Clerk, City of Novi

Proposed Vacation of Ampton Drive Meadowbrook Lake Subdivision



CITY OF NOVI
 GEOGRAPHIC INFORMATION SYSTEMS OFFICE
 DEPARTMENT OF INFORMATION TECHNOLOGY
 NOVİ CITY HALL CIVIC CENTER
 45175 W. TEN MILE ROAD
 NOVİ, MI 48375-3024
 (248) 347-3279
 WWW.CITYOFNOVI.MI.GIS



MAP INTERPRETATION NOTICE
 Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent accurate 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 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

[View Agenda for this meeting](#)

[View Video for this meeting](#)

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, OCTOBER 8, 2007 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

Mayor Landry called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE Novi Woods Girl Scout Troop 1441

Leader: Denise Sinkovich

Co-Leader: Jackie Lypka

Madison Ampunan, Payton Balcone, Joyce Cucksey, Sara

Jacek, Shirley Hao, Alaxa Hatz, Kia Hurley, Jessica Lypka,

Axleis Malecki, Mary Grace Sinkovich

ROLL CALL: Mayor Landry, Mayor Pro Tem Capello, Council Members Gatt, Margolis, Mutch, Nagy, Paul

ALSO PRESENT: Clay Pearson, City Manager

Pamela Antil, Assistant City Manager

Tom Schultz, City Attorney

Rob Hayes, City Engineer

APPROVAL OF AGENDA

Mayor Landry added to Mayor and Council Issues, Item #1 City Council float for Ringing in the Holidays.

**CM-07-10-293 Moved by Capello, seconded by Gatt: CARRIED
UNANIMOUSLY:**

To approve the agenda as amended.

Voice vote

PRESENTATIONS

AUDIENCE PARTICIPATION

Randy Patterson, 41626 Chattman Dr., Meadowbrook Lake, spoke about the possible vacation of Ampton Drive. He said he had recently found out his garage was one inch from the property line and he wanted to build a shed next to it. He asked that Council approve the vacation of Ampton Drive and understood that Council would address it at the October 22, 2007 meeting, if a public hearing was set. He also expressed concerns about the grass growth in the common areas around Meadowbrook Lake; he stated that the residents in the subdivision agreed with streambank stabilization but were concerned with the height of the grass.

3. Consideration of the vacation of Ampton Drive, an unimproved stub street in the Meadowbrook Lake subdivision, and approval of resolution to set a public hearing for the October 22, 2007 City Council meeting.

Mr. Pearson said the matter for consideration of Council was two fold. If there was sufficient interest by Council, the next step of the process would be to hold the Public Hearing on October 22nd. He said the action tonight would not be to affect the vacation; it would simply express the Council's willingness to explore this with a Public Hearing. Council could also say there was no interest in this, close it and there would be no need for a Public Hearing.

Member Nagy said while she had empathy for the residents, the Engineering Department and the DPW had objections to Ampton Drive being vacated. She said their reasons were the City required this portion of the Middle Rouge River in order to conduct maintenance activities to mitigate streambank erosion and sedimentation. The City required access to this area to maintain the sanitary interceptor sewer, and was currently trying to establish a vegetated riparian buffer along this portion of the Middle Rouge River, which was a highly sensitive environmental area. She understood that sometimes people bought property and didn't really know what they bought, and assumed it was all theirs. She said she was sorry because she supported residents as much as possible; however, in this situation the City's own departments didn't want this vacated. Member Nagy said she didn't want a Public Hearing as she was not in favor of vacating this drive because of the reasons stated by the Engineering Department and the DPW.

Member Paul concurred with the previous speaker and felt this was a very unfortunate situation. She said recently in another area, she and Mr. Hayes went out to James Bruce's house that abutted Bishop Creek. She said there was no access to Bishop Creek from that internal subdivision, and there were a lot of problems with streambank stabilization, and no way to get in there. Also, as people kept taking the riparian buffer away, there was more impact southbound

with the water, and Council could not keep allowing that. She said they had spent a tremendous amount of money, time and effort in this area to maintain and dredge Meadowbrook Lake, and this was part of it. Member Paul said she could not support this either.

Member Margolis said she could not support this for some of the reasons Council had discussed. She said legally, the main reason Council could vacate a road was that it offered public benefit to the City. Mr. Schultz agreed. In addition to some of the concerns expressed

by the Council, she read the information carefully to see what public benefit it would provide, and couldn't find any, and felt it was detrimental for some of the reasons mentioned earlier. She said she had a lot of sympathy for what the applicant was going through and would like staff to work with them in any way to help this situation, but she could not support going to a Public Hearing.

Member Gatt asked if Council didn't go forward with this, would the homeowner be allowed to build a shed on this property.

Mr. Pearson thought there could be options for variances or otherwise try to maintain their usage of the property and not fully inhibit their rights to improve the property. Member Gatt said he would like to see that happen.

Mr. Patterson, applicant, said they had written a letter to Mr. Hayes that they do grant access for the sanitation and streambank stabilization, and for whatever the City needed to do. He said he brought the erosion problem to Council's attention in 2005 because he wanted it to be stabilized. He stated there was no problem granting easement rights or whatever the term was for access to that property to maintain it in any way, shape or form. He said they would encourage the maintenance there. Mr. Patterson said it was also brought to his attention that some consideration had been given for a possible path on the property behind him, and they would be happy to allow a path to be put through there for access to that pathway should that ever come to be. He said they just wanted to be able to maintain it, and there were four homes in the same area, and his was the only property that had this type of restriction to it. The other three homeowners that bordered his property didn't have to live up to these restrictions, and all four properties were identical and were all on the streambank. He said his property would not make any difference or impact to that streambank in any way, especially since it had been stabilized. He said with the storms in the spring and recent storms, trees had been lost that he would like to see replaced so that it would truly give a good stabilization to that streambank. If the trees were lost, the roots were lost and then some of the stabilization would be lost. Mr. Patterson said those were the ways they could improve and maintain the streambank stabilization, and they would not want to affect that in any way.

Mayor Landry thought Member Gatt had the solution to this. He thought there could be something worked out where the homeowner could put a shed, plant flowers, and vegetation or landscape it to make it look like the homeowner's yard and use it. He didn't have a problem with any of that, but the City needed to maintain ownership of the lot because it needed access to the streambank. He said if the City gave up the lot, the homeowner would own it and if the City took a piece of equipment in and ran over some flowers or bushes the homeowner would look to the City for reimbursement. Whereas, if the homeowner was putting something on the City's lot, it would be at their risk, and if the City needed to go through there and move a bush or something, the City would not have to pay for it. Mayor Landry thought given the situation, the City could be a good neighbor but he didn't want to give up ownership of the lot. He said he would be in favor of directing the Administration to work with the homeowner, help them if they needed a variance, or with whatever they needed. He commented he was not opposed to a shed there and hoped they could work that out. He said apparently it looked like their lot from the road, they had been using it as their lot and he didn't see why that had to stop.

CM-07-10-299 Moved by Capello, seconded by Margolis; CARRIED UNANIMOUSLY;

To not move forward with a Public Hearing in regard to the vacation of Ampton Drive, and not to pursue vacation further with a directive to Administration to look into the possibility of granting some type of a variance for the Pattersons to construct a shed on Ampton Drive in very close proximity to their lot line as might be practical.

DISCUSSION

Member Mutch agreed with the comments made by the Mayor, but would also add, from the viewpoint of the City as well as the Pattersons, that the process this would go through was not the typical street vacation that Council generally discussed. In fact, based on information from the City Attorney, this would go to Circuit Court, then before an official division of the property could take place the State would have the option to come in and potentially take ownership and control of the property. He said based on efforts made at the State and County level to protect sections of the Rouge River, which this included a major portion of, he could see that happening. Then they were in the situation where the State owned that piece of street and the State was dictating the terms and conditions of its use. Member Mutch said that was not a situation that the Pattersons or the City wanted to be in. He thought what had been proposed met the needs of the City while addressing the needs of the resident. He said looking at the aerial map, their home literally sat on the property line and somewhere along the way something was lost in the process that allowed that condition to develop. Council couldn't fix that now but could move forward with a solution along the lines of what Mayor Pro Tem Capello proposed. He said that would allow them full use of

their property while protecting the City's interest in the property, and he felt that made the most sense.

Member Nagy asked where they wanted to put the shed. Mr. Patterson replied next to the garage. He said it was an 8 ft. by 10 ft. shed and it didn't encompass that whole area at all. Member Nagy thought this was about the best solution to be found for this situation. She said Mr. Patterson mentioned there were three other properties that were growing grass by the creek and he would like to keep cutting grass by the creek. She asked Mr. Hayes if he had investigated to see if that was what was happening on the other properties. Mr. Hayes said the only property the City would have control over would be Ampton Drive where they could say they needed to establish a 25 ft. wide riparian buffer. The other properties were private and all they could do was try to encourage people. Member Nagy said her concern was that the City had spent a lot of time and effort sending out letters to 650 homeowners that lived along the lakes, creeks and streams asking them not to cut to the edge and to keep the buffer. She understood that the City was not fining people or anything, but a lot of money had been spent in the Meadowbrook Lake area and dredging Meadowbrook Lake to keep that area from flooding. She felt it was really important that they had the cooperation of the property owners, and that they go along with what the environmental concerns were. She felt it would be really incumbent upon the associations to convey that in their newsletters, because in the long run it would not just cost environmentally but also the residents in the area and ultimately the taxpayers. She said she would support the motion and thought it was a good compromise.

Roll call vote on CM-07-10-299 Yeas: Nagy, Paul, Landry, Capello, Gatt, Margolis, Mutch

Nays: None



LICENSE AGREEMENT
ENCROACHMENT INTO CITY RIGHT-OF-WAY/EASEMENT

ENGINEERING DIVISION
(248) 347-0454

This Agreement, between the City of Novi, a municipal corporation ("the City"), and Randall and Ilene Patterson, whose address is 41626 Chattman St. Novi, Mi 48375 ("Licensee").

RECITALS:

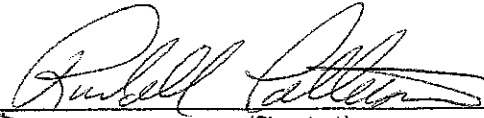
- A. Licensee is/are the owner(s) of the following property located in the City of Novi, Michigan: 41626 Chattman St. ("the Property").
- B. Licensee has requested authorization from the City to permit a garden shed ("the Structure") to be placed or constructed on the property, encroaching into the City's easement for public right-of-way over the Property.
- C. The City has agreed to authorize such encroachment under the conditions set forth in this Agreement.


IT IS AGREED between the parties to this Agreement as follows:

1. The City hereby licenses and permits Licensee's encroachment into the easement for purposes of placing or constructing the above-described structure, without monetary consideration. Licensee acknowledges that Licensee, under Michigan law, acquires no prescriptive rights by virtue of this license. This license is terminable at will by the City upon written notice to the Licensee specifying the date of termination, such notice to be given not less than thirty (30) days prior to the date specified in such notice for the date of termination. Licensee shall forthwith remove the encroachment within the time specified, and the City may remove such encroachment upon Licensee's failure to timely remove same. Licensee shall be responsible for all costs associated with such removal, including any costs and attorneys' fees incurred by the City in securing such removal or collecting from the Licensee the costs associated with such removal.
2. Licensee(s), and Licensee(s)' successors, and assigns, shall hold harmless and indemnify the City and the City's agents and employees from any and all claims, suits, actions, losses, damages, or demands if the City exercises its rights, reserved by this Agreement, to come upon the easement to install, maintain, replace any water, sewer, drainage, or other public utilities, or for any other public purpose.
3. The City shall not be liable for, and Licensee(s) shall hold harmless and indemnify the City and the City's agents and employees from any injuries, property damage, or loss of life or property caused by, arising out of, or occurring in connection with the encroachment by Licensee(s) on the City's easement.

License Agreement
Encroachment into City ROW/Easement

- 4. If any portion of the structure located on the Property and encroaching into the easement is ever demolished or destroyed, this license shall terminate and be of no further force or effect.
- 5. Grantee shall not expand or modify any portion of the structure located on the Property into the easement without the expressed written consent of the City.

GRANTEE: 
 (Signature)
RANDALL PATTERSON
 (PRINT SIGNATURE NAME)

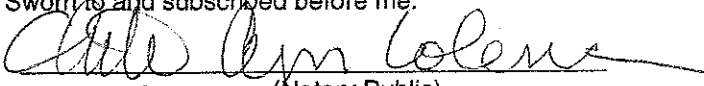
GRANTEE: 
 (Signature)
ILENE PATTERSON
 (PRINT SIGNATURE NAME)

WITNESS: _____
 (PRINT SIGNATURE NAME)

STATE OF MICHIGAN)
) SS
 COUNTY OF OAKLAND)

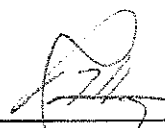
On this 16 day of October, 2007, personally appeared before me, a Notary Public, the above-named Ilene Patterson known to be the same person(s) described herein, and who executed the within instrument, and who acknowledged to be his/her act and deed. Sworn to and subscribed before me:

CHRISTIE ANN COLEMAN
 Notary Public, Oakland County, MI
 My Commission Expires September 22, 2008


 (Notary Public)
Oakland, County

My Commission expires: 9-23-08

CITY OF NOVI

 By 
 Rob Hayes, P.E.
 City Engineer

Dated: 10/16/2007

Shed
attached
to garage

DECK



Armen Nishkian
9/21/06

TRELLIS

EXISTING
WALK

Frank D
9/21/06

by P. S. [unclear]
9/21/06

[unclear]
9-21-06

TRASH
CANS
PRIV.
SCREEN

We have
pushed this
GARDEN
SHED
8x10'

22'

GARAGE

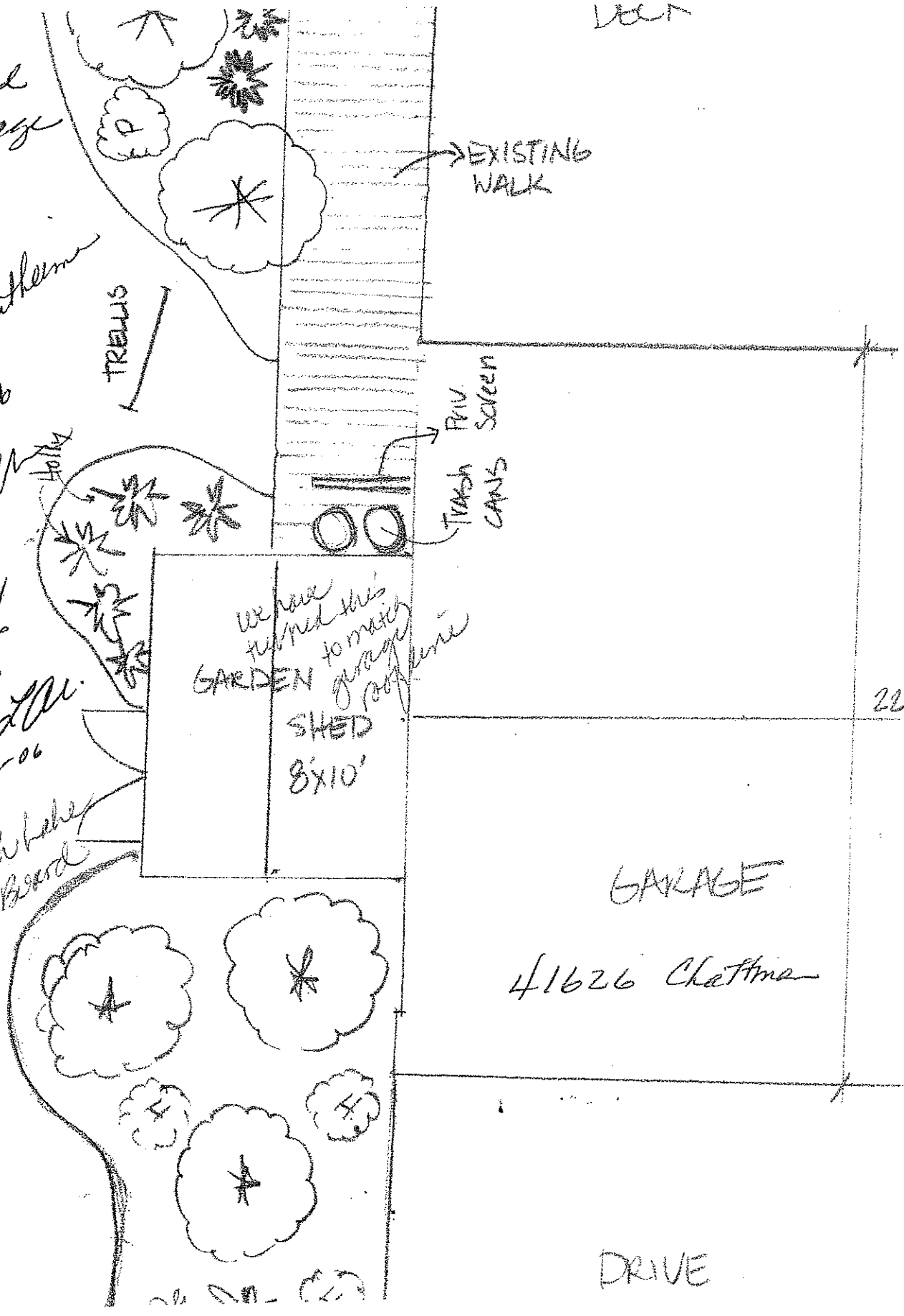
41626 Chetma

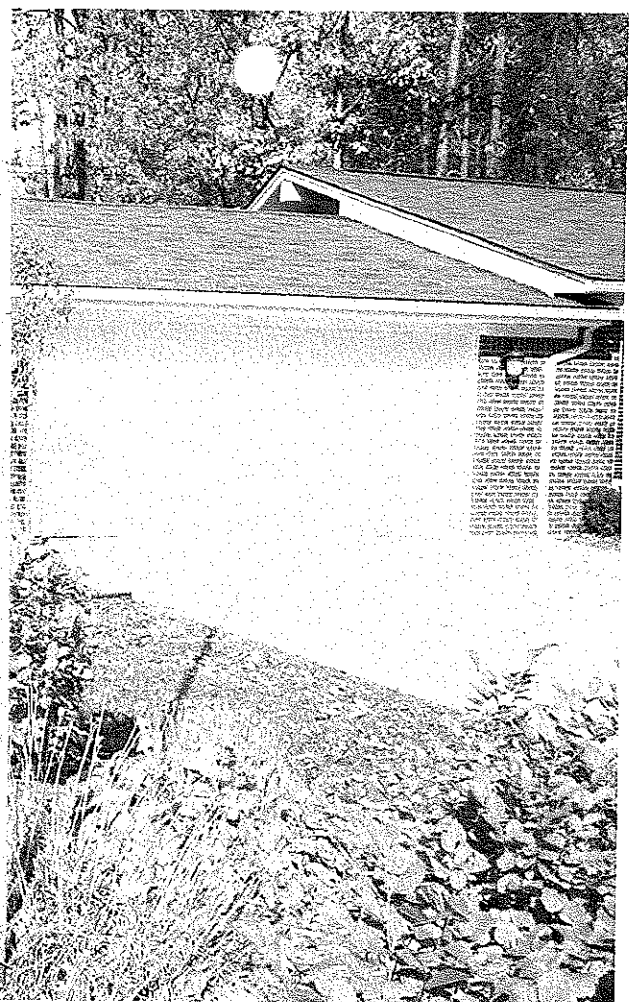
Member of
Association
Syracuse
Board

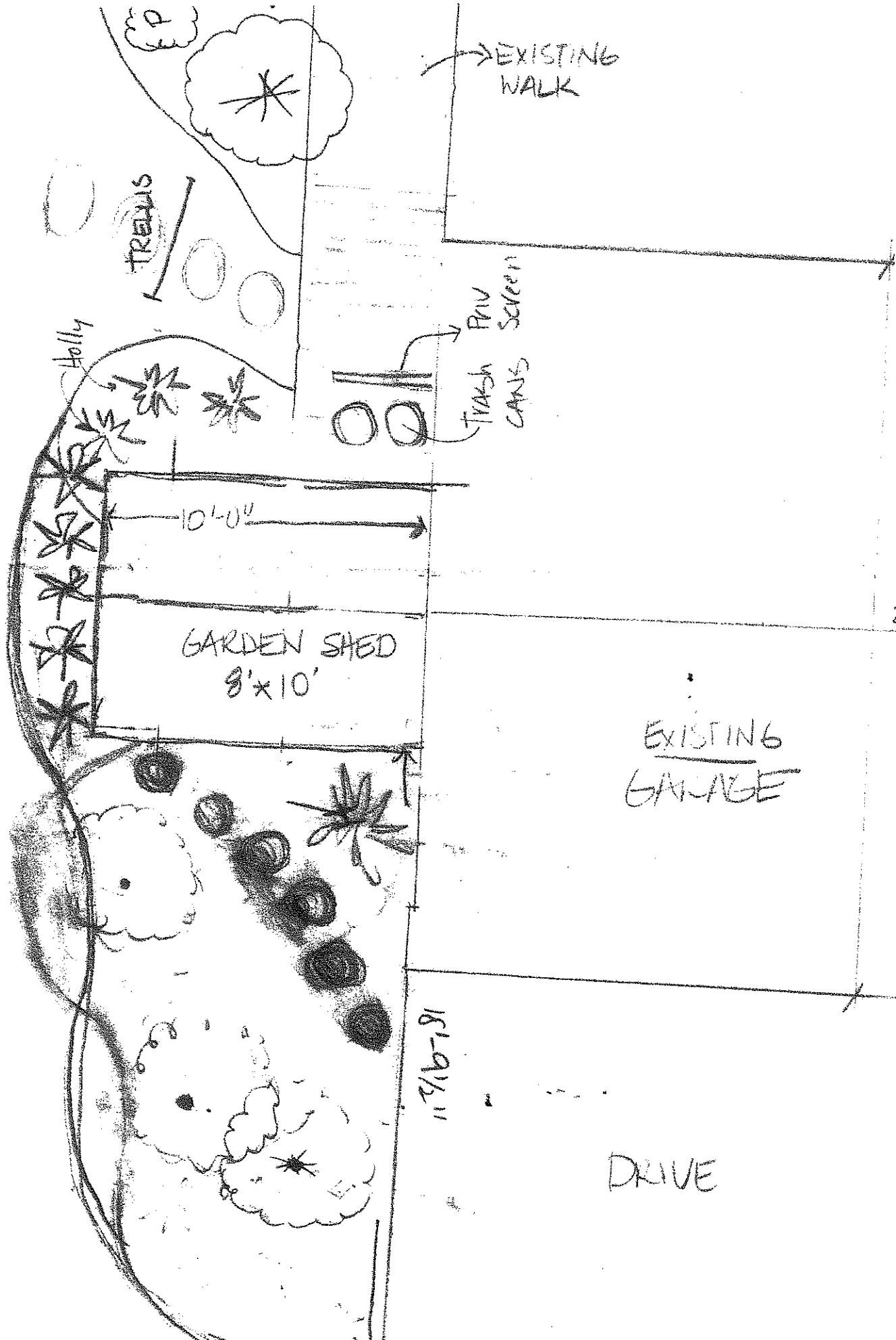
7-9"

DRIVE

Chetma







ING.
IE

17-9"

18'-9 1/2"

EXISTING
GARAGE

DRIVE