



# CITY of NOVI CITY COUNCIL

**Agenda Item 5  
June 9, 2008**

**SUBJECT:** Consideration of the vacation of unimproved portions of Paramount Street in the Howell's Walled Lake subdivision, and approval of a resolution to set a public hearing for the June 23, 2008 City Council meeting.

**SUBMITTING DEPARTMENT:** Engineering *BA*

**CITY MANAGER APPROVAL:** *[Signature]*

**BACKGROUND INFORMATION:**

During Administration's evaluation of the request to vacate the two remaining alleys in Howell's Walled Lake subdivision, Council requested that all other unimproved rights-of-way in the subdivision be considered for vacation as well. The only remaining candidate right-of-way is Paramount Street, located at the eastern extent of the subdivision. Because the Department of Public Works uses the portion of Paramount between Wainwright and Linhart Streets, only the 33-foot wide segments north of Wainwright and south of Linhart are being presented for consideration (refer to the attached map and April 15, 2008 letter from Road and Drain Manager, Tim Wright).

The request has been reviewed favorably by Administration staff. Because an 8-inch water main runs through the north segment, the City would need to hold a 20-foot wide water main easement as part of the vacation process.

The three affected landowners were polled and one was in favor of the vacation, one was opposed, and one has not responded (Lisa Demeo's April 10, 2008 letters to residents with responses, attached).

The City Attorney's office has also 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 set a public hearing date for June 23, 2008 is also attached for consideration.

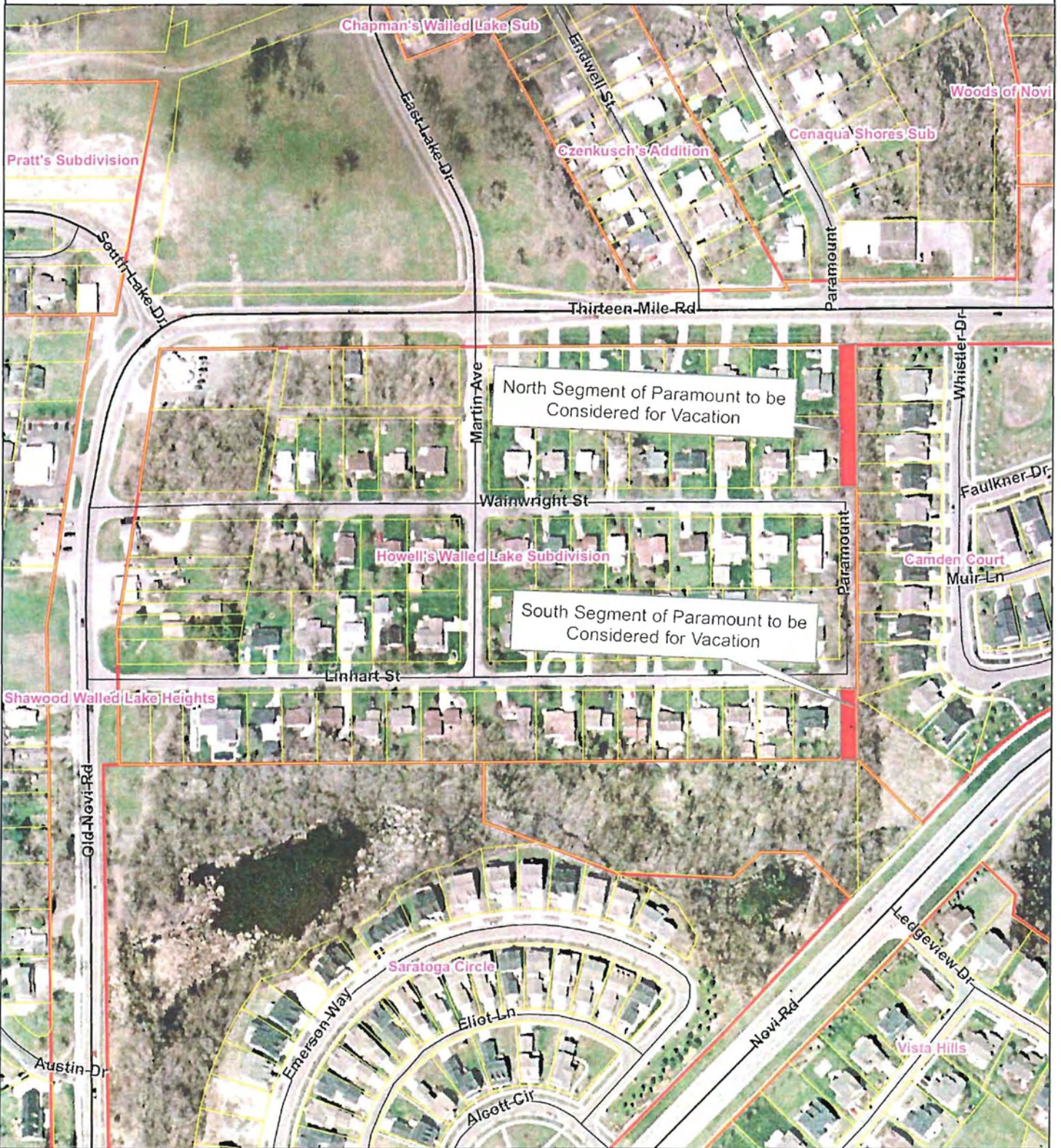
**RECOMMENDED ACTION:** Consideration of the vacation of unimproved portions of Paramount Street in the Howell's Walled Lake subdivision, and approval of a resolution to set a public hearing for the June 23, 2008 City Council meeting.

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

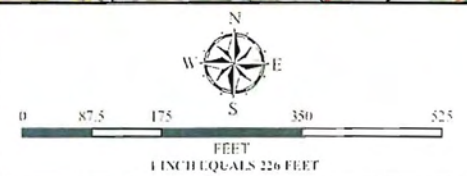
	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

# Proposed Alley and Street Vacations

## Howell's Walled Lake Subdivision



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



**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.

April 15, 2008

Rob,

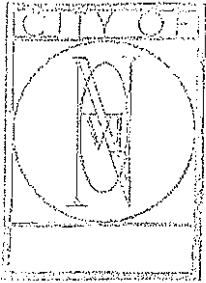
In reviewing the request to vacate Paramount Street, the Department of Public Works will concur with the request, with the understanding that Paramount Street between Linhart Street and Wainwright Street remain open. Our department utilizes that portion of Paramount Street during snow removal operations and while performing summer maintenance in the Howell's Walled Lake Subdivision. Vacating this portion of Paramount Street would make it very difficult and dangerous for our vehicles to perform any type of maintenance, as it would require our vehicles to back down either Wainwright Street or Linhart Street after reaching the end of each street. I'm assuming this portion of Paramount Street has and will be utilized by Police and Fire in emergencies.

Respectfully,



Timothy A. Wright  
Road and Drains Manager  
City of Novi  
Department of Public Works

RECEIVED BY  
ENGINEERING DIVISION  
APR 17 2008  
CITY OF NOVI



April 10, 2008

CITY COUNCIL

Mayor  
David D. Landry

Mayor Pro Tem  
Ken Depina

Deo Carr

Jerry K. Margolis

Andrew Miller

Karen Conroy

Dave S. Smith

City Manager  
Clay J. Pearson

City Clerk  
Margaret Demerits

Robert & Laura Kaska  
42871 13 Mile Rd  
Novi, MI 48377

Dear Resident,

This letter is to inform you that the City of Novi would like to consider vacating the unimproved part of Paramount which borders your property. If City Counsel approves vacating, the right of way area 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 respond by April 18, 2008 by returning the enclosed ballot or call the Engineering Department at 248-347-0454.

Sincerely,

*[Signature]*  
Lisa DeMeo  
Senior Customer Service Rep.

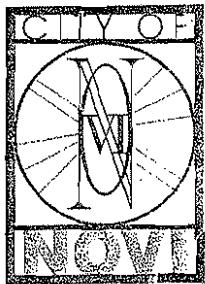
Paramount Vacation

Yes

No

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

Comments: Please inform us of the outcome & any pertinent details, i.e. who is responsible for survey cost of driveway taxes to 724811002-7198.



April 10, 2008

**CITY COUNCIL**

Mayor  
David B. Landry

Mayor Pro Tem  
Kim Capello

Bob Gatt

Terry K. Margolis

Andrew Mutch

Kathy Crawford

Dave Staudt

City Manager  
Clay J. Pearson

City Clerk  
Maryanne Cornelius

Raisa Alperovich  
247 Wainwright  
Novi, MI 48377

Dear Resident,

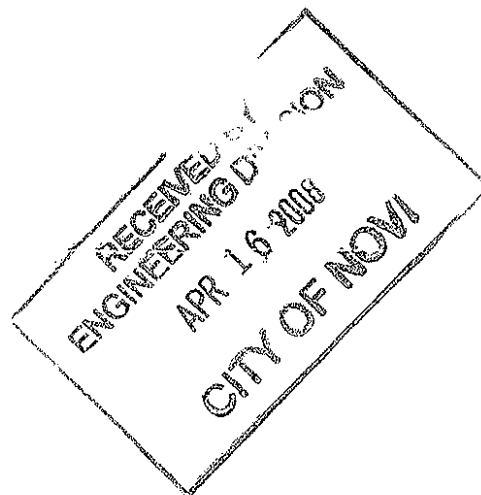
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Sincerely,

Lisa DeMeo  
Senior Customer Service Rep.

Cc: Rob Hayes



Paramount Vacation

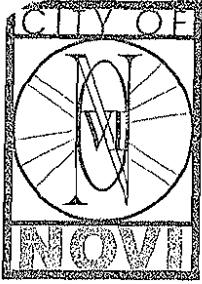
Yes

No

Comments:

*Raisa Alperovich - not interested  
247 Wainwright*

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



(No Response)

April 10, 2008

**CITY COUNCIL**

Mayor  
David B. Landry

Mayor Pro Tem  
Kim Capello

Bob Gatt

Terry K. Margolis

Andrew Mutch

Kathy Crawford

Dave Staudt

City Manager  
Clay J. Pearson

City Clerk  
Maryanne Cornelius

Tim V & Marcella Khus  
252 Linhart  
Novi, MI 48377

Dear Resident,

This letter is to inform you that the City of Novi would like to consider vacating the unimproved part of Paramount which borders your property. If City Counsel approves vacating, the right of way area 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 respond by April 18, 2008 by returning the enclosed ballot or call the Engineering Department at 248-347-0454.

Sincerely,

Lisa DeMeo  
Senior Customer Service Rep.

Cc: Rob Hayes

City of Novi  
48175 W. Ten Mile Road  
Novi, Michigan 48375  
248.347.0460  
248.347.0577 fax

cityofnovi.org



May 29, 2008

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

Elizabeth M. Kudja  
Direct: 248-539-2846  
bkudja@secretswardle.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.

COUNSELORS AT LAW

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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

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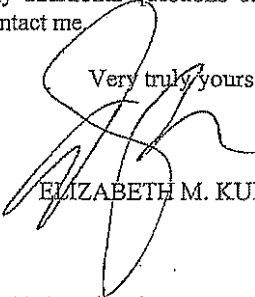
Rob Hayes, City Engineer  
May 29, 2008  
Page 3

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)

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CITY OF NOVI

OAKLAND COUNTY, MICHIGAN

**RESOLUTION TO SET PUBLIC HEARING TO CONSIDER  
VACATING PARAMOUNT STREET IN THE CITY OF NOVI**

At a meeting of the City Council of the City of Novi, Oakland County, Michigan, held on the 9th day of June, 2008, 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 portion of a public road within the City of Novi, known as Paramount Street (fka Parkwood Avenue North), located within the Howell's Walled Lake Subdivision, as shown on the Plat of the Howell's Walled Lake Subdivision, Liber 42 of Plats, Page 36, Oakland County Records. That portion of Paramount Street to be vacated is described as:

{See the attached and incorporated Sketch & Description Exhibit}

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

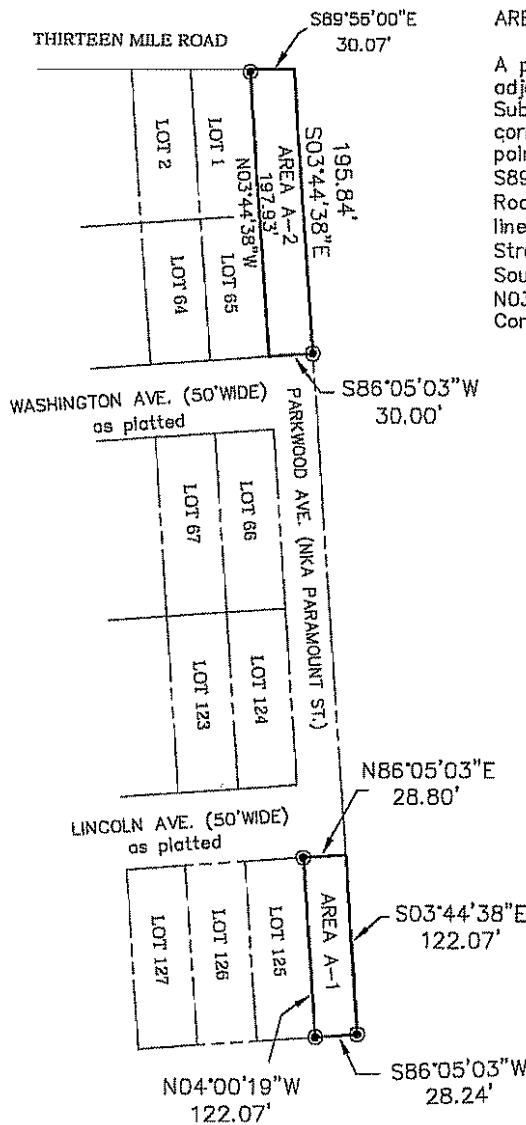
**WHEREAS**, the City Council has considered such request and has determined to proceed to further consideration of such action in accordance with the requirements of the applicable statutory, charter, and ordinance provisions, and pursuant to the terms of the attached proposed resolution;

**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 Paramount Street (fka Parkwood Avenue North), within Howell's Walled Lake Subdivision, Liber 42 of Plats, Page 36, within the City of Novi, County of Oakland, State of Michigan, as described on the attached and incorporated Sketch & Description Exhibit.



# SKETCH & DESCRIPTION



## AREA A-2 DESCRIPTION:

A portion of Parkwood Avenue (as platted) lying adjacent to Lot 1 and Lot 65, in Walled Lake Subdivision, described as Beginning at the Northeast corner of said Lot 1, Walled Lake Subdivision, said point being marked with a concrete monument; thence S89°56'00"E 30.07 feet along the South line of 13 Mile Road; thence S03°44'38"E 195.84 feet along the East line of Parkwood Avenue (now known as Paramount Street); thence S86°05'03"W 30.00 feet along the South line of Washington Avenue (as platted); thence N03°44'38"W 197.93 feet to the Point of Beginning. Containing 5,906 square feet of land, more or less.

⊙ - FOUND CONCRETE MONUMENT

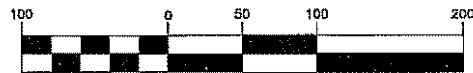
Bearings based on the North line of Walled Lake Subdivision, also being the South line of 13 Mile Road, bearing S89°56'E, per record Plat

## AREA A-1 DESCRIPTION:

A portion of Parkwood Avenue (as platted) lying adjacent to Lot 125, in Walled Lake Subdivision, described as Beginning at the Northeast corner of said Lot 125, Walled Lake Subdivision, said point being marked with a concrete monument; thence N86°05'03"E 28.80 feet along the South line of Lincoln Avenue (as platted); thence S03°44'38"E 122.07 feet along the East line of Parkwood Avenue (now known as Paramount Street); thence S86°05'03"W 28.24 feet; thence N04°00'19"W 122.07 feet to the Point of Beginning. Containing 3,482 square feet of land, more or less.



*Jay M. Schwandt*



1 inch = 100 ft.

FOR:

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

URS CORPORATION - GREAT LAKES

27777 Franklin Road  
Suite 2000  
Southfield, Michigan 48034  
(248) 204-5900

WALLED LAKE SUBDIVISION

DRAWN	JMS	SHEET 1 OF 1
COMPUTED	JMS	JOB NUMBER