

CITY of NOVI CITY COUNCIL

Agenda Item 5
June 23, 2008

SUBJECT: Consideration of the vacation of unimproved portions of Paramount Street in the Howell's Walled Lake subdivision.

SUBMITTING DEPARTMENT: Engineering *RZA*

CITY MANAGER APPROVAL: *PWA for CJP*

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 30-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 retain a 20-foot wide water main easement over this area, as addressed in the attached resolution. 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 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 two Paramount Street segments. Because these portions of Paramount 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 three affected landowners' taxes would each increase \$240 per year.
3. **Accessibility for Public Safety:** The Police and Fire Departments have both concurred with vacating these Paramount Street segments (responses from Chief Molloy and Chief Smith are attached).
4. **Potential Use as a City Pathway:** Staff evaluated the merits of using the Paramount right-of-way for a pathway to connect Novi Road to Thirteen Mile Road. Connectivity is currently provided by the sidewalk along Whistler Street, which is located approximately 200 feet to the east. Additionally, the City does not own or have easement over any of the three parcels south of Paramount that would connect to Novi Road (e-mail and accompanying map from Mark Spencer is attached).

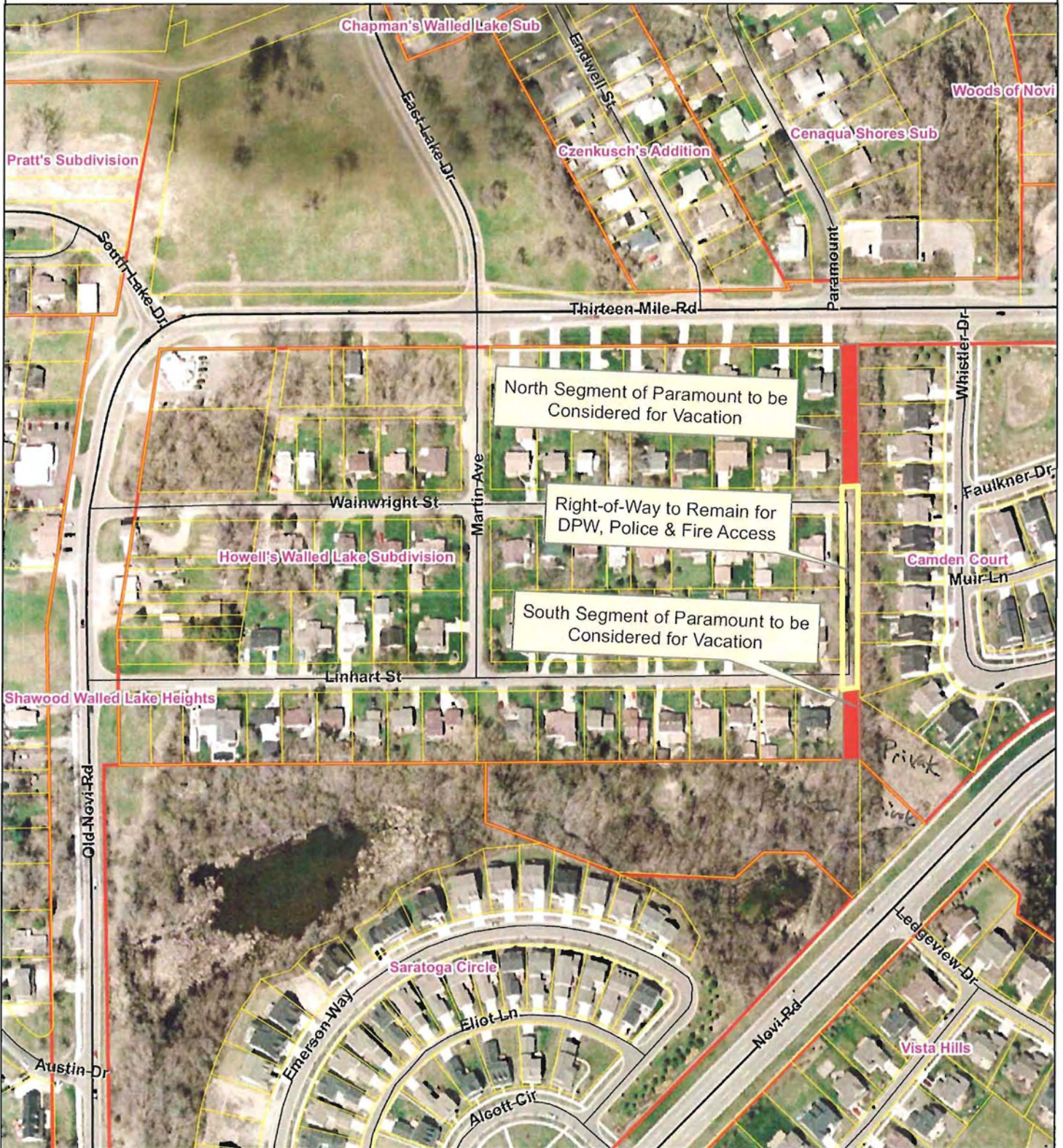
RECOMMENDED ACTION: Approval of the vacation of unimproved portions of Paramount Street in the Howell's Walled Lake subdivision.

	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				

Proposed Paramount Street Vacation

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.CI.NOVI.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.

CITY OF NOVI

OAKLAND COUNTY, MICHIGAN

RESOLUTION VACATING A PORTION OF A PLATTED STREET
KNOWN AS PARAMOUNT STREET
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 23, 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 a portion of a platted road known as Paramount Street (and formerly known as Parkwood Avenue North), within the Howell's Walled Lake Subdivision, in the City of Novi, County of Oakland, State of Michigan, as shown on the Plat thereof, recorded at Liber 42, Page 36 of Plats, Oakland County Records. That portion of Paramount Street proposed for vacation is legally described as:

{See the attached and incorporated Sketch & Description Exhibit}

WHEREAS, the City Council has jurisdiction to vacate the portion of the road in question, no part of which is 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 portion of such platted road 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. The portion of Paramount Street located in Howell's Walled Lake Subdivision in the City of Novi, County of Oakland, State of Michigan, and legally described on the attached and incorporated Sketch & Description Exhibit shall be and hereby is 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. The City shall maintain a Water System Easement, over, across and through a portion of Paramount drive described as follows:

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 South 89 degrees 56 minutes 00 seconds East 20.04 feet along the South line of 13 Mile Road; thence South 03 degrees 44 minutes 38 seconds East 196.54 feet; thence South 86 degrees 05 minutes 03 seconds West 20.00 feet along the North line of Washington Avenue (as platted); thence North 03 degrees 44 minutes 38 seconds West 197.93 feet to the Point of Beginning.

The City may install, repair, replace, improve, modify and maintain water main lines, and all necessary appurtenances thereto, within the Water System Easement reserved herein.

No person shall build or convey to others permission to build any permanent structures on, over, across, in, through, or under the Water System Easement, except as permitted by the City. The Water System Easement shall run with the land described in Sketch & Description Exhibit.

3. 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.
4. The vacation of such portion of Paramount Street shall be effective on the date this Resolution is recorded with the Oakland County Register of Deeds, and upon the vacation of the portion of Paramount Street becoming effective, the portion of Paramount Street 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: _____

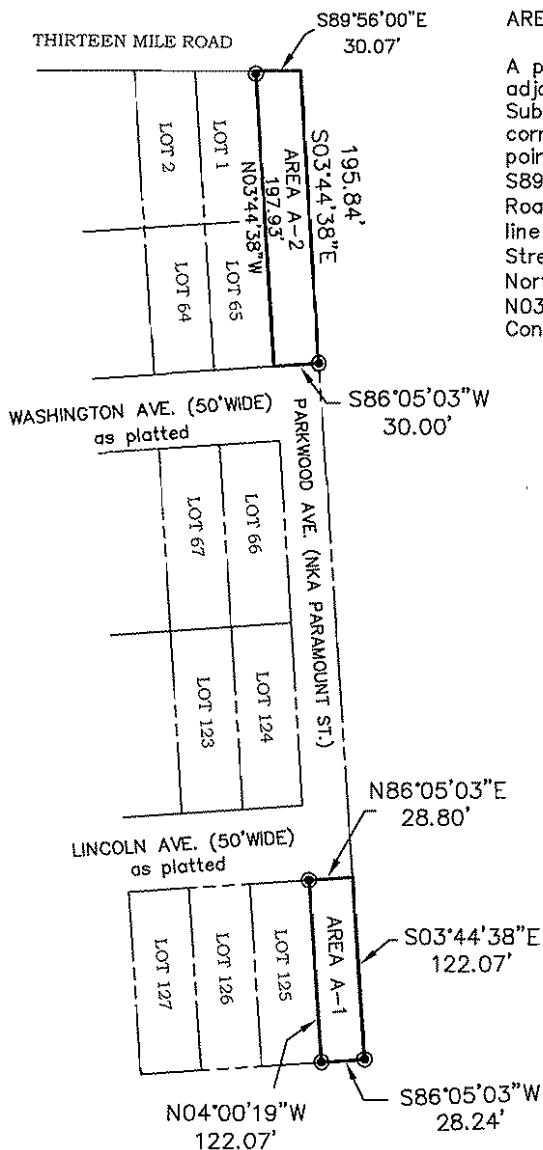
Recording Fee: \$17.00

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:\NfPortbl\manage\BKUDLA\1064622_1.DOC

SKETCH & DESCRIPTION



AREA A-2 DESCRIPTION:

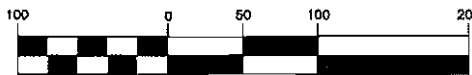
A portion of Parkwood Avenue (as platted) lying adjacent to Lot 1 and Lot 65, in Walled Lake Subdivision, described as Beginning at the Northeast corner of said Lot 1, Walled Lake Subdivision, said point being marked with a concrete monument; thence S89°56'00"E 30.07 feet along the South line of 13 Mile 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 North 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.



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 2

COMPUTED JMS JOB NUMBER



**CITY OF NOVI
ENGINEERING DIVISION**

(248) 735-5606 / Fax (248) 735-5683

REQUEST TO VACATE CITY-OWNED PROPERTY

DATE: 4/11/08

- TO:
- | | |
|---|--|
| <input checked="" type="checkbox"/> DPW (Benny McCusker) | <input checked="" type="checkbox"/> Forestry (Steve Printz) |
| <input checked="" type="checkbox"/> Water & Sewer (Tim Sikma) | <input checked="" type="checkbox"/> City Attorney (Tom Schultz) |
| <input checked="" type="checkbox"/> Fire (Chief Smith) | <input checked="" type="checkbox"/> <u>Police (Chief Molloy)</u> |
| <input checked="" type="checkbox"/> Assessing (Glenn Lemmon) | <input checked="" type="checkbox"/> Planning (Barb McBeth) |

RE: Paramount Street Vacation - Howell's Walled Lake Subdivision

Please review the attached documents pertaining to the request to vacate Paramount Street, an unimproved right-of-way in Howell's Walled Lake Subdivision. 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:  Date: APR 18, 2008

Comments:

Hayes, Rob

From: Spencer, Mark
Sent: Tuesday, June 17, 2008 1:15 PM
To: Hayes, Rob
Cc: McBeth, Barb; Rumpel, Steve
Subject: Paramount Sidewalk
Attachments: paramount.jpg

Rob: Per your request, I examined the merit of keeping the right of way for Paramount between 13 Mile & Novi Roads for sidewalk or pathway purposes and determined that this would probably not be needed since an existing sidewalk on Whistler about 200 feet to the east provides the same connectivity between 13 Mile and Novi Roads. Please see attached map. If you have any questions, please advise. *

Mark Spencer, AICP, Planner
City of Novi
[mspencer@cityofnovi.org](mailto:m Spencer@cityofnovi.org)
248-735-5607
45175 W. Ten Mile Rd.
Novi, MI 48375



Paramount Abandonment Excerpt City of Novi Greenways/Pathways Study Proposed, Scheduled and Existing Pathway & Sidewalk Segments

City of Novi, Michigan



Legend

- | | | | |
|----------------------------|---------------------------|-----------------------------------|------------------------------------|
| I 275 Trail | Top 20 Priority sidewalk | scheduled Top 20 Priority pathway | Other Proposed Sidewalk Segments |
| bike lane | scheduled Top 20 sidewalk | pathway scheduled 06/07 | Other Proposed Pathway Segments |
| existing arterial sidewalk | existing pathway | local sidewalks one side | Proposed Regional Pathway Segments |
| sidewalk scheduled 05/06 | Singh Trail scheduled | local sidewalks both sides | RightOfWay |
| sidewalk by developer | Top 20 Priority pathway | City Boundary | |
| sidewalk scheduled 08/07 | pathway by developer | | |

00 (000) = Top 20 Rank (Segment No.)

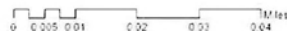
sidewalks and pathways by developer include all submitted projects that include required sidewalks or pathways

Created using the GIS:
Geographic Information
System

The City of Novi
45715 Wood-Ten Mile Road
Novi, Michigan 48278
(248) 347-0284

Date Created:
June 17, 2008

Created by: Mark Spencer, AICP,
Planner, Plan Review Center



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.

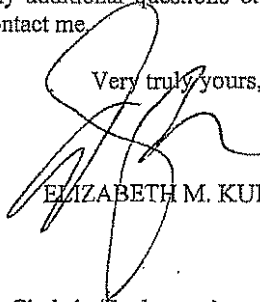
It is also our understanding that both Community Development and Engineering have confirmed that there is no need for the City to retain an easement over the vacated portions of Paramount Street or the alleys. If the City

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)