

cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item O
March 22, 2010

SUBJECT: Approval of Resolution vacating Pratt Street and a portion of Duana Avenue, platted but unimproved or "paper" streets located in the Pratt Subdivision in the City of Novi within the Landings Area near 13 Mile and Old Novi Road, in connection with the City's determination to designate the area as park land and open space.

SUBMITTING DEPARTMENT:

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The City Council held a public hearing on the question whether the platted and unplatted roadways that lie within the Landings Area that the Council has determined to improve as park land and open space should be vacated. The roadways are all currently unimproved and therefore "paper" streets. Some of them at one point had been improved and were used in connection with the old historical uses of the landings site (e.g., the Walled Lake Casino/amusement park). However, they are now vacant and open. They do not provide any access to adjacent homes or parcels.

There are five separate resolutions that are needed to effect the vacations. This is because there are three separate subdivision involved (Pratt, Chapman Walled Lake, Walled Lake Shores), because some of the road areas are unplatted (adjacent to the large acreage portion of the landings, roughly in the middle of the site), and because some of the roads (or portions of those roads) are within 25 meters of Walled Lake, which requires—in addition to a Council resolution to vacate—a circuit court lawsuit and judgment vacating the road.

The following resolutions make up the entire "package": (1) a resolution vacating 2 roads (Pratt and a portion of Duana) in the Pratt Subdivision, no part of which are within 25 meters of the lake; (2) a resolution vacating Chapman Drive, in Chapman Walled Lake Subdivision, which is not within 25 meters of the lake; (3) a resolution vacating parts of the former Lake Avenue and Lake Street, which are within 25 meters of the lake but are not part of any platted subdivision and therefore are not subject to the circuit court requirements of the Land Division Act; (4) a resolution vacating a portion of the former Lake Avenue in the Walled Lake Shores Subdivision, which is within 25 meters of the lake; (5) a resolution vacating a portion of the former Walled Lake Road and an "unnamed road" within the Chapman Walled Lake Subdivision, which are within 25 meters of the lake.

With the exception of the resolution relating to the two unplatted roads, all of the resolutions contain language directing the City Manager and City Attorney to take all actions required to effect the vacation, including, if and to the extent necessary, the filing of a circuit court lawsuit. The lawsuit appears to be required to effect the vacation as to items (4) and (5). To the extent litigation would already be required as to those streets, it is the

current intention of the City administration to also file suits as to items (1) and (2) and the streets covered in those. As Council has been informed in prior correspondence, the need to file a circuit court action to "complete" a vacation not within 25 meters of the lake is a matter of dispute, but in light of the intention to seek grant funds for substantial improvements to the property, a conservative approach is proposed to be taken.

RECOMMENDED ACTION:

Approval of resolution vacating Pratt Street and a portion of Duana Avenue, platted but unimproved or "paper" streets located in the Pratt Subdivision in the City of Novi within the Landings Area near 13 Mile and Old Novi Road, in connection with the City's determination to designate the area as park land and open space.

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

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

CITY OF NOVI

OAKLAND COUNTY, MICHIGAN

**RESOLUTION VACATING PRATT AVENUE AND
A PORTION OF DUANA AVENUE,
PLATTED ROADS IN THE PRATT SUBDIVISION
IN THE CITY OF NOVI**

At a meeting of the City Council of the City of Novi, Oakland County, Michigan, held on March 22, 2010, at the City Hall, 45175 Ten Mile Road, Novi, Michigan 48375.

WHEREAS, the Novi City Council held a public hearing on February 22, 2010, to consider and hear objections to the proposed vacation of Pratt Avenue and a portion of Duana Avenue, platted public roads in the Pratt Subdivision, Liber 11 of Plats, Page 13, Oakland County Records, depicted and legally described as follows:

{See the attached and incorporated Sketch & Description Exhibit}

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

WHEREAS, the roads are not developed or physically improved as roads and are not needed by any other owners in the subdivision for access to or from their lots or other areas in the subdivision, and are completely within an undeveloped area of property, known as the Landings, that the City has planned for park land and open space.

WHEREAS, the Novi City Council is satisfied that the described platted roads 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 Pratt Avenue and a portion of Duana Avenue, platted roads shown on the Plat of Pratt Subdivision, Liber 11 of Plats, Page 13, Oakland County Records, and legally described as 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.

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.

The City Manager and City Attorney are directed to take all actions necessary to effect and complete the vacation, including the filing, if and to the extent necessary, of an appropriate action in the Oakland County Circuit Court to vacate the road in accordance with the Land Division Act, Act 288 of the Public Acts of 1967, as amended, and to make all filings with the Oakland County Register of Deeds and the Michigan State Treasurer as required by law.

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 March 22, 2010, 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 _____, 2010, by MARYANNE CORNELIUS, the duly-authorized Clerk for the City of Novi, a Michigan municipal corporation.

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

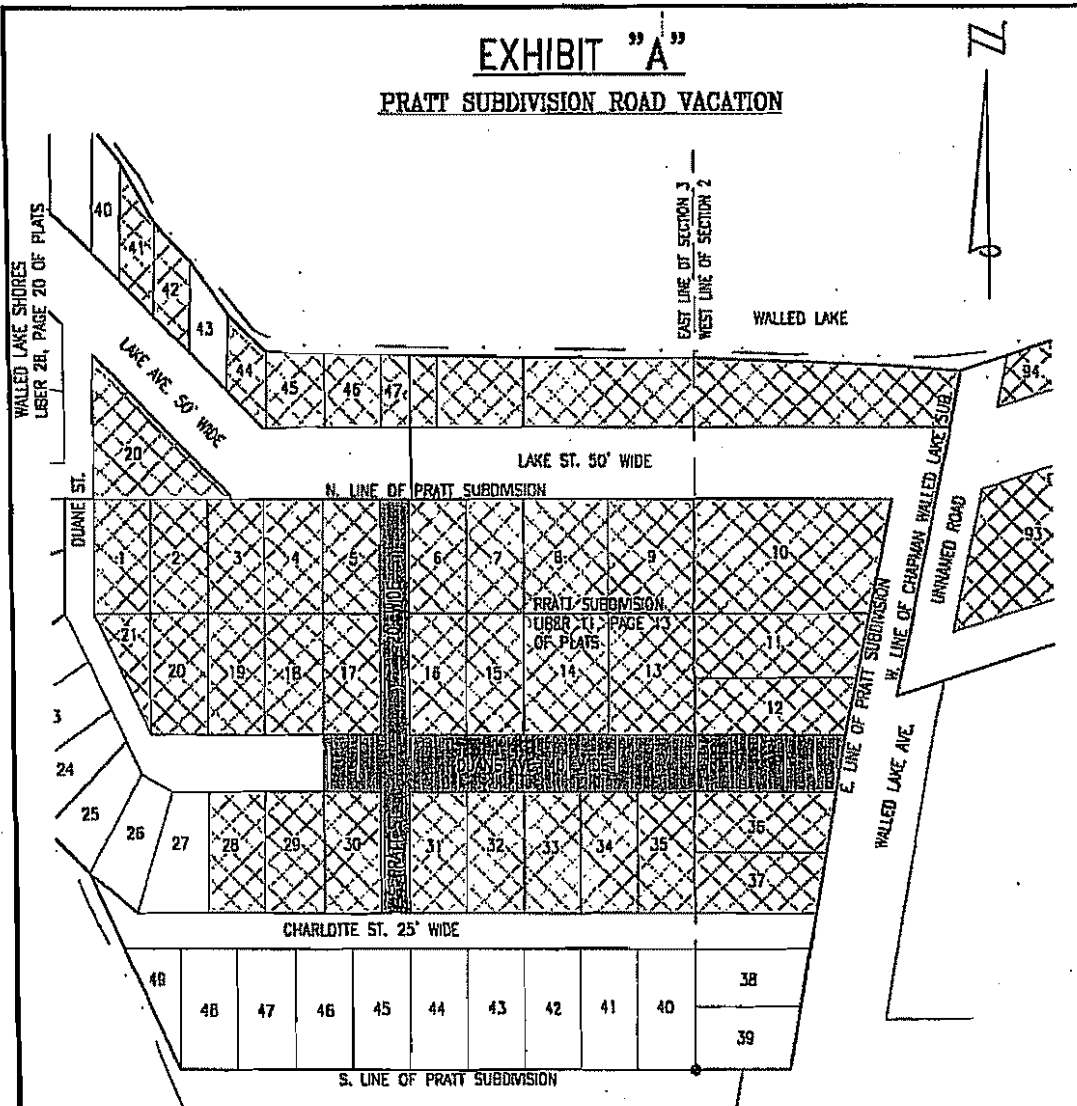
Recording Fee: \$ _____

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

EXHIBIT "A"

PRATT SUBDIVISION ROAD VACATION

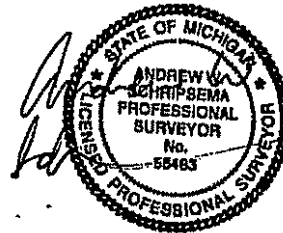
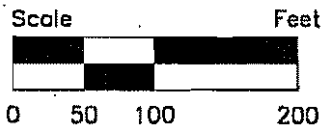
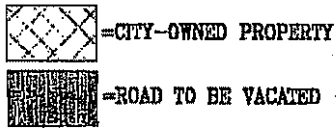


PLATTED ROADWAYS TO BE VACATED IN PRATT SUBDIVISION (L.11., P.32 OF PLATS OF O.C.R.)

PARCELS OF LAND LOCATED IN THE SOUTHEAST FRACTIONAL 1/4 OF SECTION 3 AND THE SOUTHWEST FRACTIONAL 1/4 OF SECTION 2, T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN. MORE PARTICULARLY DESCRIBED AS:

THAT PORTION OF DUANE AVENUE (40' WIDE) BOUNDED ON THE NORTH BY LOTS 12-17 & BOUNDED ON THE SOUTH BY LOTS 30-36 AS PLATTED IN PRATT SUBDIVISION, RECORDED IN LIBER 11, PAGE 32 OF PLATS, OAKLAND COUNTY RECORDS.

ALSO, ALL OF PRATT STREET (20' WIDE) AS PLATTED IN PRATT SUBDIVISION, RECORDED IN LIBER 11, PAGE 32 OF PLATS, OAKLAND COUNTY RECORDS.



CITY OF NOVI ROAD VACATIONS PART OF PRATT SUBDIVISION ROAD VACATION SKETCH		SHEET 3 OF 3
CITY OF NOVI 34000 Plymouth Road Livonia, MI 48150 P (734) 522-6711 F (734) 522-6427 WWW.OHM-ADVISORS.COM		OHM

CONSENT THAT THE ALL RIGHTS AND INTERESTS APPLICABLE HEREON TO THE DESIGN AND DEVELOPMENT WORK OF OHM AND THE SAME SHALL BE CONSIDERED, CONTINUED, OR REPRODUCED WITHOUT FURTHER WRITTEN CONSENT OF OHM