

## CITY of NOVI CITY COUNCIL

Agenda Item N  
March 22, 2010

**SUBJECT:** Approval of resolution vacating a portion of Chapman Drive, a platted but unimproved or "paper" street located in the Chapman Walled Lake 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 to approve resolution vacating Chapman Drive, a platted but unimproved or "paper" streets located in the Chapman Walled Lake 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 A PORTION OF CHAPMAN DRIVE,  
A PLATTED ROAD IN THE  
CHAPMAN 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 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 a portion of a public road in the Chapman Walled Lake Subdivision, Liber 9 of Plats, Page 13, Oakland County Records, known as Chapman Drive, 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 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 road is not developed or physically improved as a road and is not needed or required by any other owners in the subdivision for access to or from their lots or other areas in the subdivision, and is within an undeveloped area of property, known as the Landings, that the City has planned for park land.

**WHEREAS**, the Novi City Council is satisfied that the described 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 a portion of the platted road known as Chapman Drive shown on the Plat of Chapman Walled Lake Subdivision, Liber 9 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 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.

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:\_\_\_\_\_

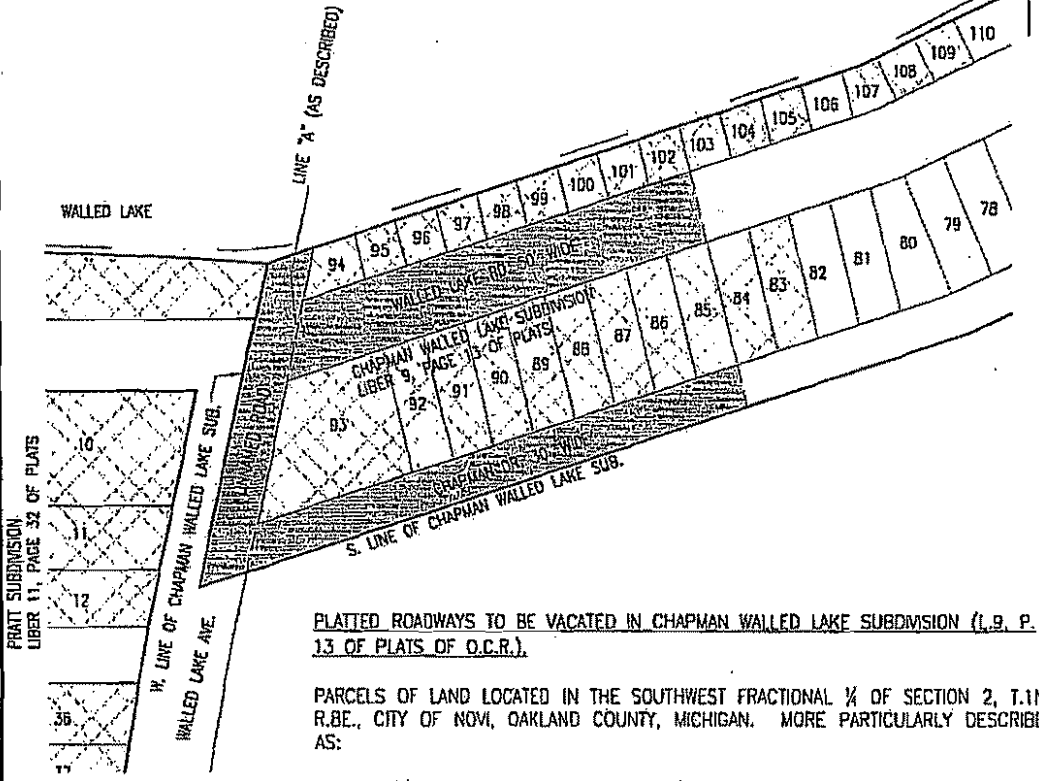
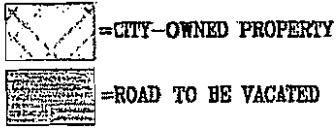
Recording Fee:         \$\_\_\_\_\_

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  
1393409

# EXHIBIT "A"

## CHAPMAN WALLED LAKE SUBDIVISION ROAD VACATION



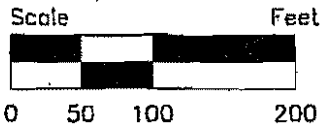
PLATTED ROADWAYS TO BE VACATED IN CHAPMAN WALLED LAKE SUBDIVISION (I.B. P. 13 OF PLATS OF O.C.R.).

PARCELS OF LAND LOCATED IN 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 WALLED LAKE ROAD (50' WIDE) BOUNDED ON THE NORTH BY LOTS 94-102 AND BOUNDED ON THE SOUTH BY LOTS 85-93, AS PLATTED IN CHAPMAN WALLED LAKE SUBDIVISION, RECORDED IN LIBER 9, PAGE 13 OF PLATS, OAKLAND COUNTY RECORDS.

ALSO, THAT PORTION OF CHAPMAN DRIVE (30' WIDE) BOUNDED ON THE NORTH BY LOTS 85-93, AS PLATTED IN CHAPMAN WALLED LAKE SUBDIVISION, RECORDED IN LIBER 9, PAGE 13 OF PLATS, OAKLAND COUNTY RECORDS. MORE PARTICULARLY DESCRIBED AS THAT PORTION OF CHAPMAN DRIVE LYING SOUTHWESTERLY OF THE EXTENSION OF THE NORTHEASTERLY LINE OF LOT 85, AS PLATTED IN SAID CHAPMAN WALLED LAKE SUBDIVISION.

ALSO, ALL OF THE ROAD UNNAMED IN THE PLAT AND LYING ALONG THE WEST LINE OF THE PLAT (COMMONLY KNOWN AS WALLED LAKE AVENUE) LYING WEST OF A LINE DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF LOT 94, AS PLATTED IN CHAPMAN WALLED LAKE SUBDIVISION, RECORDED IN LIBER 9, PAGE 13 OF PLATS, OAKLAND COUNTY RECORDS; THENCE PROCEEDING TO THE SOUTHWEST CORNER OF SAID LOT 94; THENCE PROCEEDING TO THE NORTHWEST CORNER OF LOT 93, AS PLATTED IN SAID CHAPMAN WALLED LAKE SUBDIVISION; THENCE PROCEEDING TO THE SOUTHWEST CORNER OF SAID LOT 93; THENCE PROCEEDING ALONG THE WEST LINE OF SAID LOT 93 TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID CHAPMAN WALLED LAKE SUBDIVISION, AS PLATTED, SAID POINT ALSO BEING THE POINT OF ENDING OF LINE HEREIN DESCRIBED (SEE LINE "A").



CITY OF NOVI ROAD VACATIONS  
PART OF CHAPMAN WALLED LAKE SUBDIVISION  
ROAD VACATION SKETCH

SCALE	NO. OF SHEETS
2	2

