

cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item O
January 26, 2009

SUBJECT: Approval of Re-Adoption of Resolution vacating City Interests, including highway or right-of-way interests, in property located at the intersection of West Lake Drive and South Lake Court.

SUBMITTING DEPARTMENT: City Attorney

CITY MANAGER APPROVAL: *[Handwritten signature]*

BACKGROUND INFORMATION:

On May 14, 2007, the City Council held a public hearing to vacate this area of roadway where a home is located, at the intersection of West Lake Drive and South Lake Court. There were no objections. The City Council passed a resolution to vacate on June 4, 2007. The resolution was conditioned, however, on the adjacent property owner providing the City with a quit claim deed for other property currently being used for roadway purposes. There was a delay in receiving the quit claim deed.

The resolution as adopted, however, stated that it was to be recorded in the Oakland County Register of Deeds within 30 days of the approval of the minutes of the Council meeting. That did not occur because the quit claim deed had not been received. Now that it has been received, the Council is asked to Re-Adopt the resolution in the form attached, after which time it will be recorded in the Register of Deeds.

RECOMMENDED ACTION: Approval of Re-Adoption of Resolution vacating City Interests, including highway or right-of-way interests, in property located at the intersection of West Lake Drive and South Lake Court

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

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

CITY OF NOVI
OAKLAND COUNTY, MICHIGAN

RESOLUTION VACATING CITY'S INTEREST IN
PROPERTY LOCATED IN THE CITY OF NOVI
(Re-Adoption)

Minutes of a _____ meeting of the City Council of the City Council of the City of
Novi, County of Oakland, Michigan, held in the City Hall in said City on _____,
at _____ o'clock P.M. Daylight Savings Time.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following preamble and Resolution were offered by Councilmember _____
_____ and supported by Councilmember _____.

WHEREAS, a request has been received by the City Council seeking the vacation,
discontinuance, or abolition of any City interest in a portion of property located within the City
of Novi, currently part of Sidwell No. 22-03-155-019 and legally described on the attached and
incorporated Exhibit A and depicted on the attached and incorporated Exhibit B; and

WHEREAS, the property at issue is located at the intersection of West Lake Drive and
South Lake Court; and

WHEREAS, the request for vacation asserts that the City interest in the portion of the
property sought to be vacated has never been used for public road purposes, that the City has
vacated a portion of South Lake Court in the same area; and

WHEREAS, following an initial investigation by City officials and consultants, the City Council scheduled and conducted a public hearing on May 14, 2007, to consider the owner's request; and

WHEREAS, The City Council makes the following findings and conclusions based upon and in light of the City's investigation and the public hearing:

1. The City Council of the City of Novi has jurisdiction to vacate its interests, if any, in the property located within Sidwell No. 22-03-155-019, which is not a platted street dedicated for public use that is within 25 meters of a lake or the general course of a stream.
2. The City Engineering Department and other appropriate city consultants have investigated the need to maintain a public road for traffic purposes and for access to any public utilities located within the public road right of way. The City Engineering Department and other consultants have determined it is not necessary to maintain this portion of West Lake Drive/South Lake Court as public road right of way; provided, however, that an easement to access the public utilities and for the continued use of the property actually improved with a portion of the South Lake Court turnaround area shall be reserved provide access to the City.
3. No objections to the vacation have been made, either in writing or at the public hearing.

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

(1) The request for vacation of any City interest in the portion of the property located within Sidwell No. 22-03-155-019 is granted, and that portion of the property as described on the attached and incorporated Exhibit A and depicted on the attached and incorporated Exhibit B shall be, and is hereby, vacated.

(2) Such vacation is granted subject to the reservation of easements for public utility purposes. The reserved public utility easement shall be over the entire area described on the attached and incorporated Exhibit A and depicted on the attached and incorporated Exhibit B. The easement shall be a non-exclusive perpetual easement. The City and its representatives may also enter upon sufficient land adjacent to said utility easement for the purpose of exercising the rights and privileges granted herein. The City may install, repair, replace, improve, modify and maintain utility lines and all necessary appurtenances thereto, within the easement herein granted. Petitioner agrees not to build or to convey to others permission to build any permanent structures on, over, across, in, through, or under the above-described easement, except that subject to the City's approval as part of an approved site plan, the Petitioner may construct and/or install surface improvements to the property, including paved driveways, parking and/or walkways; landscaping; utilities and/or similar improvements, which improvements do not interfere with use, operation, maintenance, repair and replacement of the water main in the easement areas described above.

EXHIBIT A

[Legal Description of Area to be Vacated]

A parcel of land, part of the West 1/2 of the Northwest 1/4 of Section 3, T.1N., R.8E., City of Novi, Oakland County, Michigan, being more particularly described as follows: Beginning at a point located S13°43'35"W, 71.73 feet along the easterly line of West Lake Drive (formerly Bentley Avenue, 30 feet wide) and S15°01'04"W 75.52 feet from the southwest corner of Lot #1 Bentley Subdivision, as recorded in Liber 10 Page 3, Oakland County Records; thence S57°23'25"E 192.22 feet parallel with the northerly line of South Lake Court to the water's edge of Walled Lake, thence and S06°08'51"W 36.86 feet along the water's edge to the center line of South lake Court extended easterly,; thence continuing along the extension of said center line N57°23'25"W 120.24 feet; thence N33°20'56"W 33.59 feet; thence N50°24'38" W 31.60 feet; thence N34°20'05"W 26.96 feet to the easterly right of way line of West lake Drive; thence continuing along said line N15°01'04"E 5.16 feet point of beginning. Containing 5302 square feet.

[Legal Description of Entire Sidwell No. 22-03-155-019]

A parcel of land, part of the West ½ of the Northwest ¼ of Section 3, T.1N, R.8E., City of Novi, Oakland County, Michigan, being more particularly described as follows: Beginning at a point located S13°43'35"W, 71.73 feet along the easterly line of West Lake Drive (formerly Bentley Avenue, 30 feet wide) and S15°01'04"W 75.52 feet from the southwest corner of Lot #1 Bentley Subdivision, as recorded in Liber 10 Page 3, Oakland County Records; thence S57°23'25"E 192.22 feet parallel with the northerly line of South Lake Court to the water's edge of Walled Lake, thence S06°08'51"W 36.86 feet along the water's edge to the center line of South Lake Court extended easterly, thence along the extension of said center line N57°23'25"W 198.18 feet; to the easterly Right Of Way line of West Lake Drive; thence along said line N15°01'04"E 34.62 feet to the point of beginning. Containing 6442 square feet.

[Legal Description of Area to be Retained]

A parcel of land, part of the West 1/2 of the Northwest 1/4 of Section 3, T.1N., R.8E., City of Novi, Oakland County, Michigan, being more particularly described as follows: Beginning at a point located S13°43'35"W, 71.73 feet along the easterly line of West Lake Drive (formerly Bentley Avenue, 30 feet wide) and S15°01'04"W 80.68 feet from the southwest corner of Lot #1 Bentley Subdivision, as recorded in Liber 10 Page 3, Oakland County Records; thence S15°01'04"W 29.46 feet along the easterly line of West Park Drive to the most southeasterly corner of Bentley Subdivision; thence S57°23'25"E 77.94 feet along the centerline of South Lake Court extended easterly; thence N33°20'56"W 33.59 feet; thence N50°24'38"W 31.60 feet; thence N34°20'05"W 26.96 feet to the point of beginning. Containing 1140 square feet.

EXHIBIT B

[Drawing attached]

EXHIBIT C

[Description of Quit Claim Area]

A parcel of land, part of the West 1/2 of the Northwest 1/4 of Section 3, T.1N., R.8E., City of Novi, Oakland County, Michigan, being more particularly described as follows: Beginning at a point located S13°43'35"W, 71.73 feet along the easterly line of West Lake Drive (formerly Bentley Avenue, 30 feet wide) and S15°01'04"W 80.68 feet from the southwest corner of Lot #1 Bentley Subdivision, as recorded in Liber 10 Page 3, Oakland County Records; thence S15°01'04"W 29.46 feet along the easterly line of West Park Drive to the most southeasterly corner of Bentley Subdivision; thence S57°23'25"E 77.94 feet along the centerline of South Lake Court extended easterly; thence N33°20'56"W 33.59 feet; thence N50°24'38"W 31.60 feet; thence N34°20'05"W 26.96 feet to the point of beginning. Containing 1140 square feet.



NOTICE

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

You are hereby notified that on Monday, May 14, 2007 at 7:00 p.m., at the Novi Civic Center Council Chambers, 45175 West Ten Mile Road, Novi, MI 48375, the Novi City Council will consider the following matter:

A public hearing regarding the possible vacation of the City's interests in a portion of property located at the intersection of West Lake Drive and South Lake Court.

All interested persons are invited to attend. Verbal comments will be heard at such date and time during the public hearing portion of the meeting and any written comments may be submitted in care of the Novi City Clerk, 45175 West Ten Mile Road, Novi, MI 48375 until 5:00 p.m. Wednesday, May 9, 2007.

Maryanne Cornelius
City Clerk
248-347-0456

See map on reverse

45175 W. Ten Mile
Novi, MI 48375
(248) 347-0460
(248) 347-0577 Fax
www.cityofnovi.org

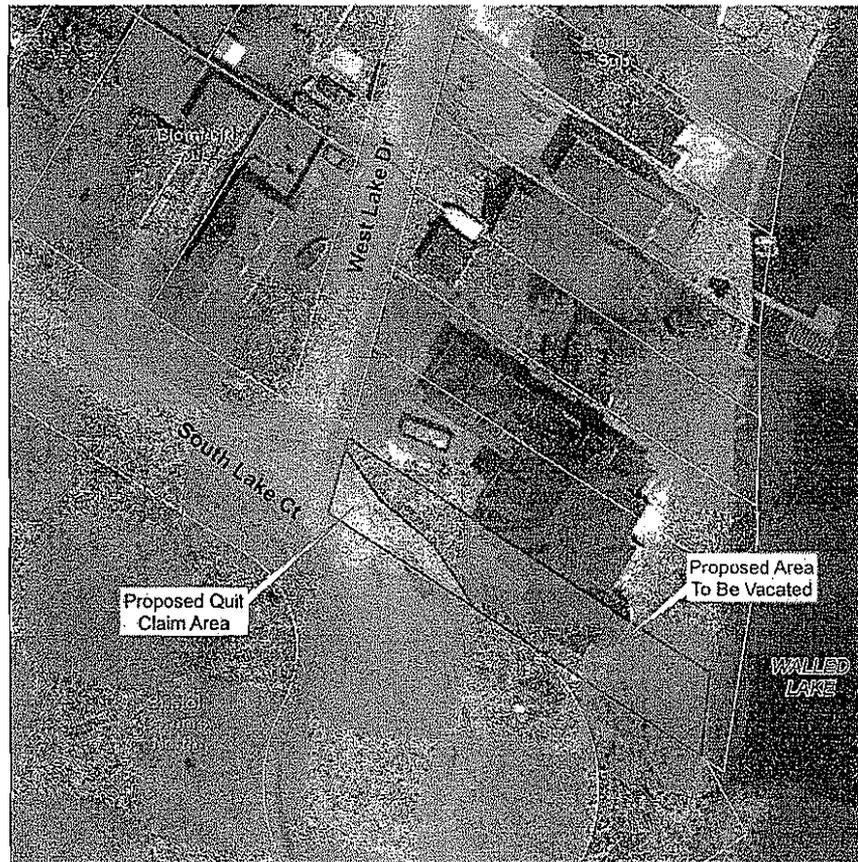


"Enhancing Novi's quality of life"

NOTICE OF PUBLIC HEARING CITY OF NOVI

NOTICE IS HEREBY GIVEN that the Novi City Council will hold a Public Hearing regarding the possible vacation of the City's interests in a portion of property located at the intersection of West Lake Drive and South Lake Court, described as follows:

A parcel of land, part of the West 1/2 of the Northwest 1/4 of Section 3, T.1N., R.8E., City of Novi, Oakland County, Michigan, being more particularly described as follows: Beginning at a point located S13°43'35"W, 71.73 feet along the easterly line of West Lake Drive (formerly Bentley Avenue, 30 feet wide) and S15°01'04"W 75.52 feet from the southwest corner of Lot #1 Bentley Subdivision, as recorded in Liber 10 Page 3, Oakland County Records; thence S57°23'25"E 192.22 feet parallel with the northerly line of South Lake Court to the water's edge of Walled Lake, thence and S06°08'51"W 36.86 feet along the water's edge to the center line of South lake Court extended easterly; thence continuing along the extension of said center line N57°23'25"W 120.24 feet; thence N33°20'56"W 33.59 feet; thence N50°24'38" W 31.60 feet; thence N34°20'05"W 26.96 feet to the easterly right of way line of West lake Drive; thence continuing along said line N15°01'04"E 5.16 feet point of beginning. Containing 5302 square feet.



The Public Hearing will take place at the Novi Civic Center – Council Chambers, 45175 W. Ten Mile Road, Novi, Michigan, 48375, on Monday, May 14, 2007 at 7:00 p.m. All interested persons are invited to attend. Any written comments may be sent to the City Clerk's office at the above address. Questions regarding this matter may be directed to the City Clerk at 248-347-0456.

Maryanne Cornelius, CMC
Novi City Clerk

Publish 5/3/07