

March 28, 2005

TO: John Szerlag, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Douglas J. Smith, Real Estate and Development Director
Steven J. Vandette, City Engineer
Pat Petitto, Senior Right-of-Way Representative
Mark F. Miller, Planning Director

SUBJECT: AGENDA ITEM - FINAL STREET VACATION APPLICATION (SV-173) – A portion of Hanover Street, from Leetonia Street extending north between lots 85 and 86 of McCormick & Lawrence Little Farms Subdivision 5, north of Wattles Road and east of Livernois, Section 15

RECOMMENDATION

City Council approved an authorizing resolution for the street vacation on July 22, 2002, which stated that final action on the street vacation request shall be taken by the City Council, after the following actions:

1. Receipt of the above noted right-of-way and/or easement conveyances from the owners of the applicable lots.
2. Determination by the City Engineer of the nature and extent of easements to be retained over the subject street right-of-way, based in part on input or responses from the applicable utility companies.

The City Engineer has reviewed the request and recommends reserving a 20-foot wide public utility, drainage and walkway easement, being 10 feet on either side of the centerline of the above-referenced Hanover Street proposed to be vacated.

City Management recommends approval of the final street vacation request subject to the reservation of a 20-foot wide right-of-way for public utilities and public walkway.

GENERAL INFORMATION

Name of applicant(s):

Kathy and Robert Niedzwiecki and the Judson Center.

Location of property owned by applicant(s):

The applicants own the lots abutting Hanover Street on both sides. The Niedzwiecki's own lot 85 to the west and the Judson Center owns lot 86 (179 Leetonia) to the east.

Length and width of right-of-way:

The section of Hanover Street proposed to be vacated is 50 feet wide and 217.05 feet in length. This portion of the Hanover Street right-of-way is unimproved.

Current use of adjacent parcels:

Hanover Street runs through a single family residential neighborhood. Lot 85 to the west is a vacant lot. The Judson Center, a group home facility offering residential programs for children, sits on lot 86 to the west (179 Leetonia Street).

Zoning classification of adjacent parcels:

The entire neighborhood is zoned R-1C One Family Residential.

ANALYSIS

Reason for street vacation (as stated on the Street/Alley Vacation Application):

The application states that it is required for: "New construction Lot #85 and maintenance needed".

Impact on existing traffic patterns within the area:

The Hanover Street right-of-way (platted Hudson Avenue) extends between Wattles Avenue and Randall Drive. However, only the portion between Wattles Avenue and Crestfield Avenue is paved. Presently the unpaved portions of Hanover Street are not utilized by vehicular traffic.

Impact on access to existing lots or buildings (including emergency service vehicles):

The unimproved section of Hanover Street does not provide vehicular access to any existing lots and does not impact access for emergency service vehicles.

Existing utilities located within the right-of-way:

There are no utilities located within this portion of the Hanover Street right-of-way.

Future need for easements within the right-of-way:

Randall Drive is a signed bike route as indicated on the City of Troy Bike Route map. The Hanover Street right-of-way extends from Wattles Road north to Randall Drive. At Randall Drive, a 12 foot wide public walkway extends north between lot 232 (243 Randall Drive) and lot 233 (259 Randall Drive) to the Leonard Elementary School property. There is an 8 foot wide paved path located within this easement, which runs from the sidewalk north to the edge of the school property.

There is presently a sidewalk within the Hanover Street right-of-way, between Crestfield Avenue and Leetonia Avenue, approximately 365 feet in length. There is also a section of sidewalk which runs south from Randall Drive toward Evaline Avenue, for a distance of approximately 112 feet. The unimproved section of

Hanover Street between Leetonia and Randall represents a gap in a 1,400 linear foot sidewalk system between Wattles Road and the school property.

A bike path or sidewalk along the entire length of the Hanover Street right-of-way would provide a direct non-motorized connection from Wattles Road to the Leonard Elementary School property. If the sidewalk were to be extended from the property line to the school, the link would improve safety and convenience for students walking to school from this neighborhood and from Wattles Road. Future completion of this project would be consistent with the intent of the City of Troy Transportation Plan.

Proposed ownership of vacated street/alley:

A future sidewalk would be placed in the center of a 20' wide public walkway, to be located in the center of what is now the 50' right-of-way. The city will retain ownership of the walkway. Each property owner will receive half of the lot, less the 10' on each side of the center of the parcel which will be used for the public walkway.

Future Land Use Designation:

The entire neighborhood including the lots abutting the right-of-way are designated on the Future Land Use plan as Low Density Residential.

Attachments:

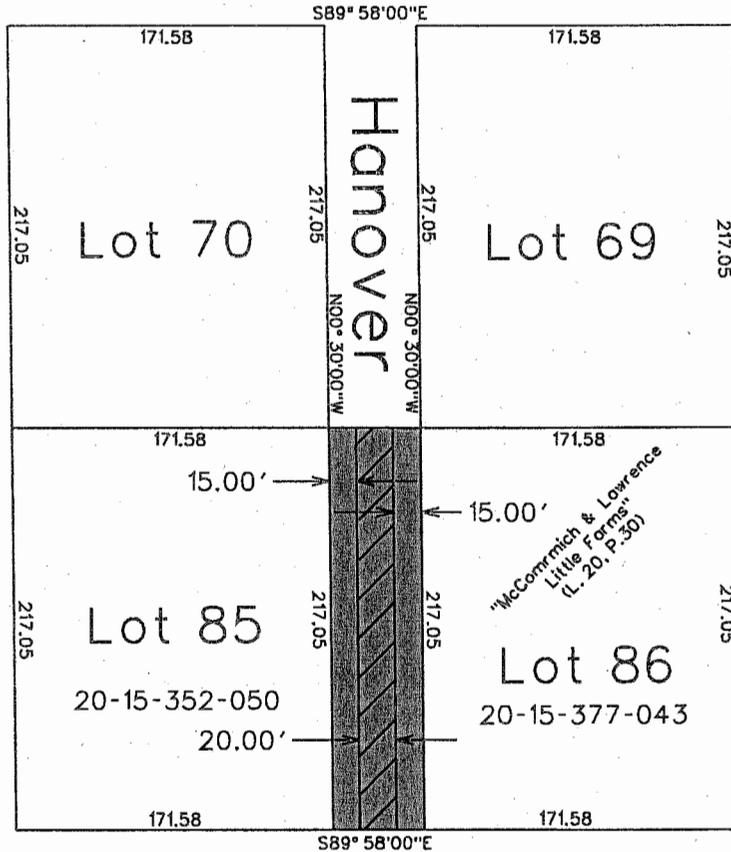
1. Maps.
2. Letter to Planning Director from Civil Engineer, dated October 23, 2003.
3. City Council Authorizing resolution, dated July 22, 2002.

cc: Kathy and Robert Niedzwiecki (petitioner)
The Judson Center (petitioner)
File/ SV 173

Prepared by RBS/MFM

City Council Resolution#
 2005- _____
 (S.V.#173)

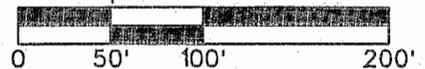
Evaline



Leetonia



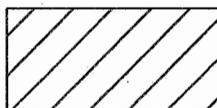
Graphic Scale: 1"=100'



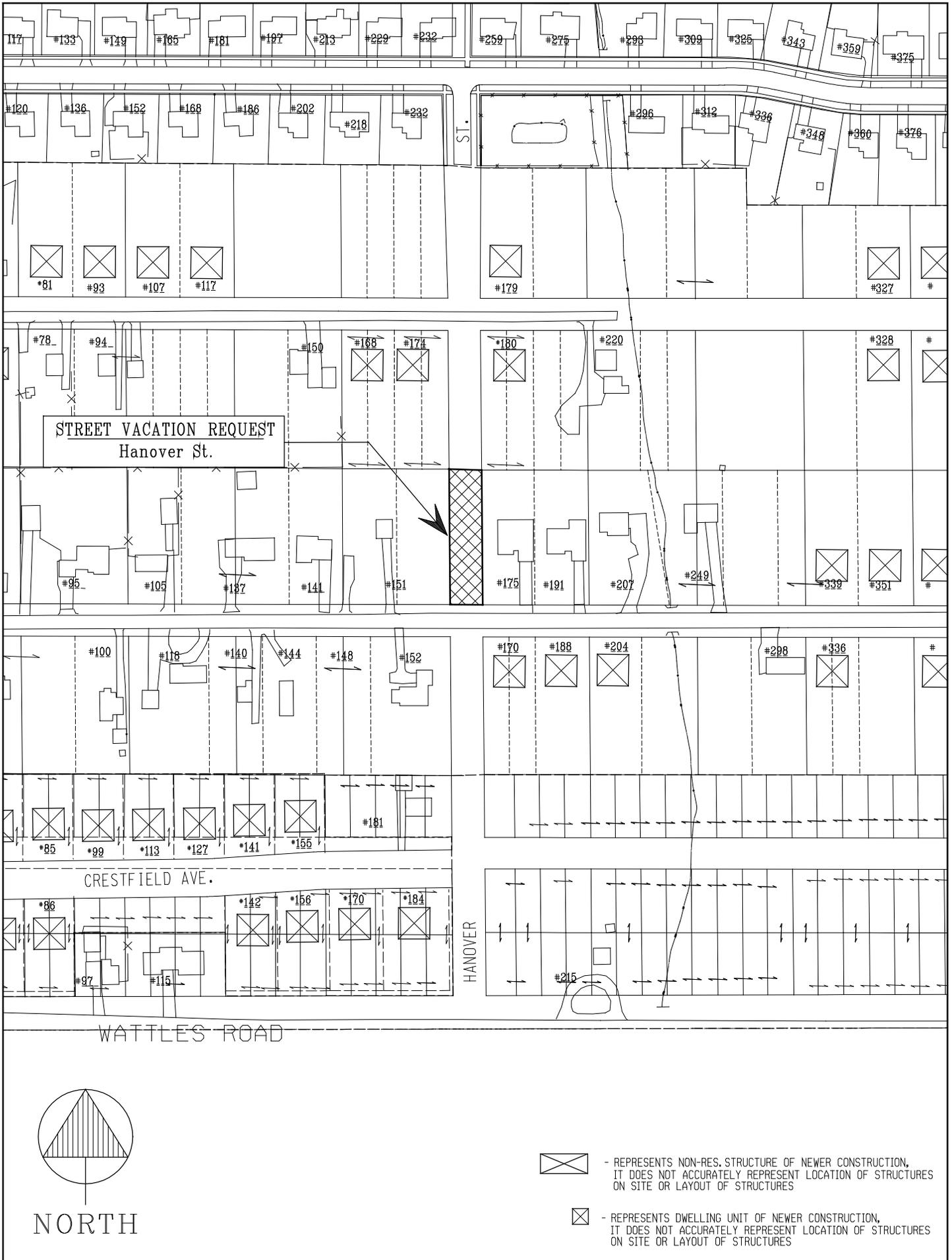
Area of
 Hanover Street Vacation
 Area=10,853 Sq.Ft.



Area of Public
 Right of Way for
 Public Utilities
 & Public Walkway
 Area= 4,341 Sq.Ft.



CITY OF TROY OAKLAND COUNTY, MICHIGAN			
Street Vacation & Right of Way Sketch			
SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=100'	NAME GJB III	NAME	See Above
VER.	DATE 03-15-05	DATE	VIEW
DOCUMENT PREPARED BY George J. Ballard III LAND SURVEYOR		CONTRACT No.	SHEET No. JOB No.
		STEVEN J. VANDETTE CITY ENGINEER	10F2



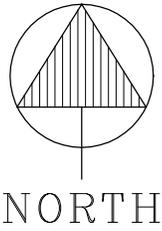
STREET VACATION REQUEST
Hanover St.



- REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES



- REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES



STREET VACATION REQUEST
HANOVER STREET
S 1/2 BETWEEN EVALINE & LEETONIA
SEC. 15 (SV-173)

STREET VACATION REQUEST

HANOVER STREET

EVALINE AVENUE

LEETONIA AVENUE

CRESTFIELD AVENUE

100 0 100 200 Feet



October 23, 2003

TO: Mark Miller, Planning Director
FROM: Neall Schroeder, Civil Engineer 
SUBJECT: Hanover Street Vacation
(SV #123) City Council
Resolution 2002-07-415

The Engineering Department has reviewed the above noted request and determined that a public utility easement is required over the 50-foot wide platted but unopened Hanover Street right of way, extended north 217.05 feet from Leetonia Street (platted Loraine Avenue), and abutting lots 85 and 86 of McCormick and Lawrence Little Farms Subdivision, Section 15.

The Engineering Department recommends reserving a 20-foot wide public utility, drainage and (walkway) easement, being 10 feet either side of the centerline of the above-described Hanover Street proposed to be vacated.

CNS/ln

cc: Steve Vandette
Dennis Stephens

ENGVacations-Street & Easement\Hanover St vacation memo.doc

A Regular Meeting of the Troy City Council was held Monday, July 22, 2002, at City Hall, 500 W. Big Beaver Road. Mayor Matt Pryor called the Meeting to order at 7:32 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Pastor Dan Lewis - Troy Christian Chapel and the Pledge of Allegiance to the Flag was given.

ROLL CALL

PRESENT: Mayor Matt Pryor
Robin E. Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Anthony N. Pallotta

A-1 Presentation: Celebrating 150 Years at Miller, Canfield, Paddock and Stone

PUBLIC HEARINGS

C-1 Hanover Street Vacation Application (S.V. #173)

Resolution #2002-07-415
Moved by Pallotta
Seconded by Broomfield

WHEREAS, A request has been received for the vacation of a portion of the 50-foot-wide platted but unopened Hanover Street right-of-way, extending north 217.05 feet from Leetonia Street (platted Loraine Avenue), and abutting lots 85 and 86 of McCormick and Lawrence Little Farms Subdivision 5, Section 15 (Liber 20, page 30 of Oakland County Plats); and

WHEREAS, The properties which shall benefit from this requested vacation include Lot 85 of McCormick and Lawrence Little Farms Subdivision 5, Section 15 (City of Troy Tax Parcel 20-15-352-050) and Lot 86 of McCormick and Lawrence Little Farms Subdivision 5, Section 15 (City of Troy Tax Parcel 20-15-377-043); and

WHEREAS, City Management and the Planning Commission have recommended that this street vacation be granted subject to the following conditions:

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1. Retention of right-of-way adequate to provide for twelve (12) feet wide public walkway.
 2. Retention of easements within the right-of-way to be vacated to the extent determined to be necessary by the City Engineer, based in part on input or responses from applicable utility companies.

NOW, THEREFORE, BE IT RESOLVED, That the City Council concurs with the recommendations of City Management and the Planning Commission; and

BE, IT FURTHER RESOLVED, That final action on this street vacation request shall be taken by the City Council, after the following actions:

1. Receipt of the above noted right-of-way and/or easement conveyances from the owners of the applicable lots.
2. Determination by the City Engineer of the nature and extent of easements to be retained over the subject street right-of-way, based in part on input or responses from the applicable utility companies.

Yes: All-7

C-2 Request for Commercial Vehicle Appeal – 336 Lovell

Resolution #2002-07-416

Moved by Howrylak

Seconded by Pallotta

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance:

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Michael Chesik, 336 Lovell, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford cube van in a residential district is hereby **APPROVED** for 9 months.

Yes: All-7