



## CITY COUNCIL AGENDA ITEM

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Date: October 20, 2015

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic & Community Development  
R. Brent Savidant, Planning Director

Subject: PUBLIC HEARING - STREET VACATION REQUEST (SV 190) – Alley between Vermont and Birchwood, Abutting parcels 88-20-27-353-001, 002, 003, 004, 005, 006, 007, 008 and 029 on the west and parcels 88-20-27-353-012 and 021 on the east, Section 27, Currently Zoned MR (Maple Road) and R-1E (One Family Residential) Districts (abutting properties)

The applicant, Amber Properties Company, seeks vacation of a section of alley approximately 18 feet wide by 240 feet long. The alley vacation is needed to facilitate development of the 35-unit Amber Studios and Lofts apartment building, which was conditionally rezoned by City Council on August 24, 2015.

Because the applicant owns the parcels which abut the alley to the west, the applicant will acquire the western 9 feet of the alley upon vacation. The applicant proposes to utilize the western half of the alley primarily for a landscaping buffer. A portion of the dumpster enclosure is also proposed for the western half of the alley. Ownership of the eastern half of the alley will revert to the two residential properties to the east (39 Birchwood and 36 Vermont).

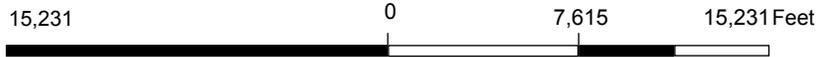
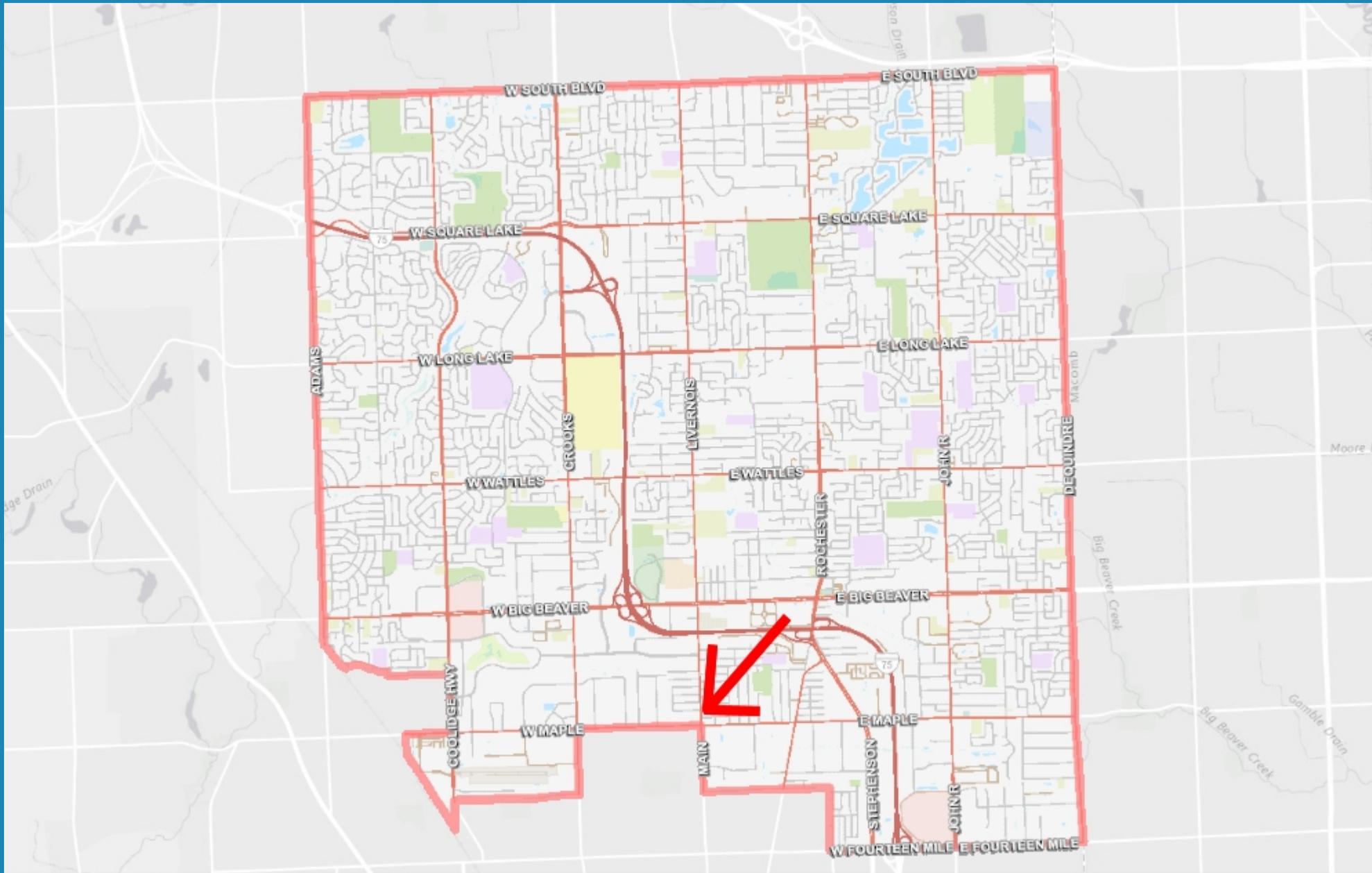
There are no City utilities in the alley, however there are overhead utilities. An easement must be maintained for the overhead utilities.

The Planning Commission held a public hearing on this item on September 22, 2015 and recommended approval of the application by a 7-0 vote.

The attached Planning Commission item provides additional background.

### Attachments:

1. Map
2. Agenda item from September 22, 2015 Planning Commission Regular meeting
3. Minutes from September 22, 2015 Planning Commission meeting (excerpt)
4. Public Comment



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

DATE: September 16, 2015

TO: Planning Commission

FROM: R. Brent Savidant, Planning Director

SUBJECT: PUBLIC HEARING - STREET VACATION REQUEST (SV 190) – Alley between Vermont and Birchwood, Abutting parcels 88-20-27-353-001, 002, 003, 004, 005, 006, 007, 008 and 029 on the west and parcels 88-20-27-353-012 and 021 on the east, Section 27, Currently Zoned MR (Maple Road) and R-1E (One Family Residential) Districts (abutting properties)

### **GENERAL INFORMATION**

Name of applicant(s):  
Amber Properties Company.

History of Right of Way:

The subject alley is in the Addison Height Subdivision, which was platted in 1924. The alley has not been developed.

The applicant owns parcels 88-20-27-353-001, 002, 003, 004, 005, 006, 007, 008 and 029, which front on Livernois. The parcels 88-20-27-353-021 (39 Birchwood) and 88-20-27-353-012 (36 Vermont) abut the alley to the east.

The applicant is requesting to vacate the alley to facilitate development of his multi-family development. Most of the alley has been vacated over time (see attached map).

Length and width of right of way.

The section of alley proposed to be vacated is approximately 18 feet wide by 240 feet long, between Vermont Avenue and Birchwood Street.

### **ANALYSIS**

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

To support Conditional Rezoning of the parcels fronting Livernois Rd. that will facilitate implementation of the site plan for a multiple family development under the Maple Road District.

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

If the alley were to be vacated, all properties abutting the alley will continue to have access to abutting streets. Ownership of the vacated alley will revert to the abutting property owners within the subdivision. The applicant will receive the western 9 feet of

the vacated alley and the owners of 39 Birchwood and 36 Vermont will receive the eastern 9 feet of the vacated alley.

Impact on Utilities

There are no City utilities in the alley, however there are overhead utilities. An easement must be maintained for the overhead utilities.

Future Land Use Designation:

The area is designated on the Future Land Use Plan as Maple Road Zoning District.

**CITY MANAGEMENT RECOMMENDATION**

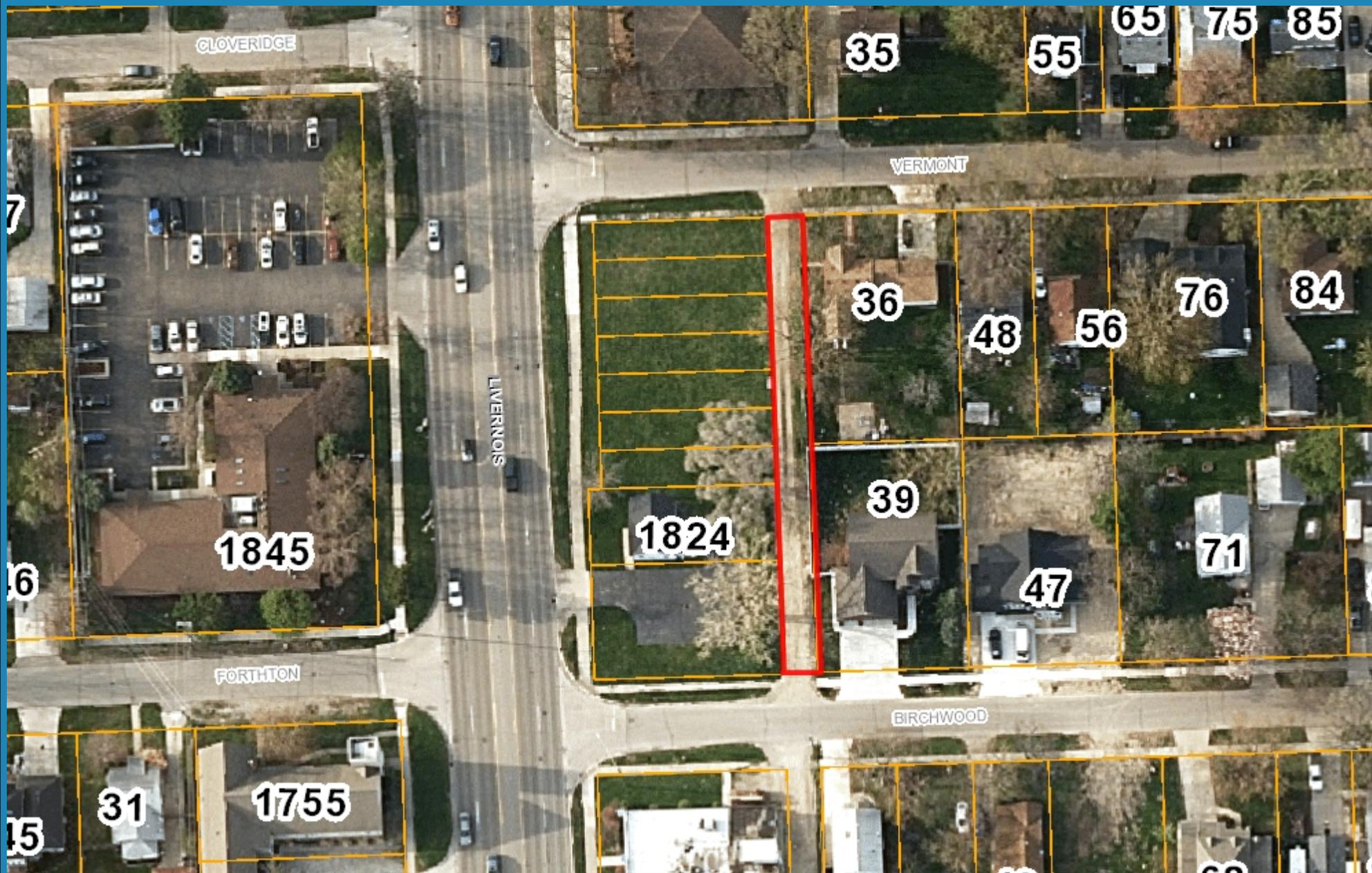
City Management recommends approval of the street vacation request as submitted, subject to the following:

1. An easement shall be maintained for overhead utilities.

Attachments:

1. Maps
2. Application and correspondence from applicant

G:\STREET VACATION\SV 190 Alley btwn Vermont and Birchwood Sec 27\SV 190 PC Memo 09 22 2015.doc



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

# "ADDISON HEIGHTS-SUBDIVISION" No 2

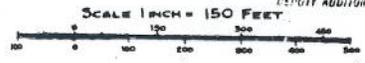
A SUBDIVISION OF W 1/2 OF SW 1/4 OF SEC. 27 T2N, R11 E.  
TROY TOWNSHIP, OAKLAND COUNTY, MICHIGAN.

Examined and Approved  
*Aug 29 1924*  
Deputy Auditor General

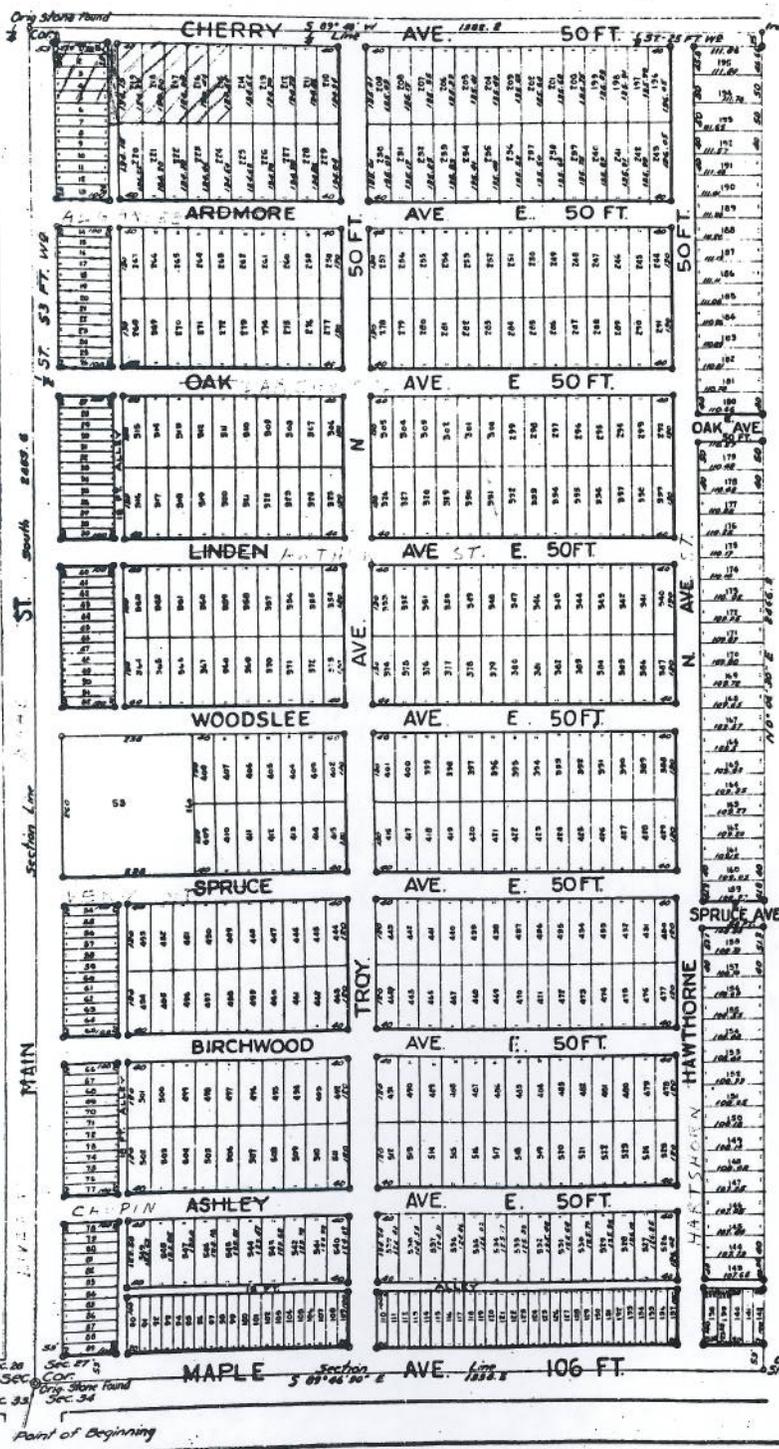
Recorded this *2nd* day of *Sept*  
A.D. 1924 at *10:00* o'clock  
of *1924* of *Plat*  
*Lucile Avery*  
Deputy Auditor General

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE MAP OR PLAN FORWARDED THE REGISTER OF DEEDS FOR RECORDING.  
COMPOSED *Aug 29 1924*  
*Deputy Auditor General*

FILED IN AUDITOR GENERAL'S DEPT.  
*Aug 29 1924*  
*Deputy Auditor General*



Note: -  
All dimensions in feet and decimals thereof.



**DEDICATION** -  
Know all men by these present that we, Addison Heights Land Company, a Michigan Corporation by John F. Addison, President and Lawrence W. Snell, Secretary and Francis W. Poole and Edith E. Poole, his wife, as proprietors, have caused the land embraced in the annexed plat to be surveyed, laid out and platted as shown as Addison Heights Subdivision No. 2, a subdivision of the W 1/2 of the SW 1/4 of Section 27, T2N, R11E, Troy Township, Oakland County, Michigan and that all the streets and alleys as shown on said plat are hereby dedicated to the use of the public.

Signed and sealed in the presence of:  
*John F. Addison*  
*Lawrence W. Snell*  
*Francis W. Poole*  
*Edith E. Poole*

STATE OF MICHIGAN }  
COUNTY OF WAYNE }  
On this *14th* day of *July*, A.D. 1924 before me a Notary Public in and for said County, came the above named John F. Addison, President and Lawrence W. Snell, Secretary of Addison Heights Land Co., who being duly sworn, by me, did say that the above dedication was signed in behalf of said Corporation, by authority of its Board of Directors and the said John F. Addison, President and Lawrence W. Snell, Sec'y acknowledged said dedication to be the free act and deed of said Corporation, also personally came the above named Francis W. Poole and Edith E. Poole, his wife, known to me to be the persons who executed the above dedication and acknowledged the same to be their free act and deed.

**DESCRIPTION** -  
Beginning at the SW corner of Section 27, T2N, R11E, Troy Township, Oakland County, Michigan; thence S89°30'E, 182.3 feet along Section line to 1/2 corner; thence N09°30'E, 265.6 feet along 1/2 line to 3/4 Section line; thence S 89° 30' W, 182.3 feet along 3/4 Section line to W 1/2 corner of Section 27; thence South along Section line 825.6 to the point of beginning.

VACATED BY COURT ORDER  
ORDER *21761* 1922  
VOLUNTARILY *210-62*

**SURVEYOR'S CERTIFICATE** -  
I hereby certify that the Plat hereon delineated is a correct one, and that permanent monuments consisting of 2"x10" iron pipe have been placed at angles in the boundaries of the land plat, and at intersections of streets and alleys and at all points marked thus:

*W. S. McAlpine*  
Registered Surveyor

**CERTIFICATE OF MUNICIPAL APPROVAL** -  
This Plat was approved by the Township Board of the Township of Troy, Oakland County, Michigan at a meeting held on the 28 day of June, A.D. 1924.

*Monie G. Wadler*  
Township Clerk

**Oakland County Treasurer's Certificate**  
This is to Certify, that there are no Tax Liens or Taxes held by the State or any individual against, and that all Taxes on lands described in the annexed instrument bearing Treasurer's No. *8763* have been paid FIVE YEARS prior to the date thereof, according to the records of this office, except as stated.

*Aug 6 1924*  
*Edwards*  
*Decker*

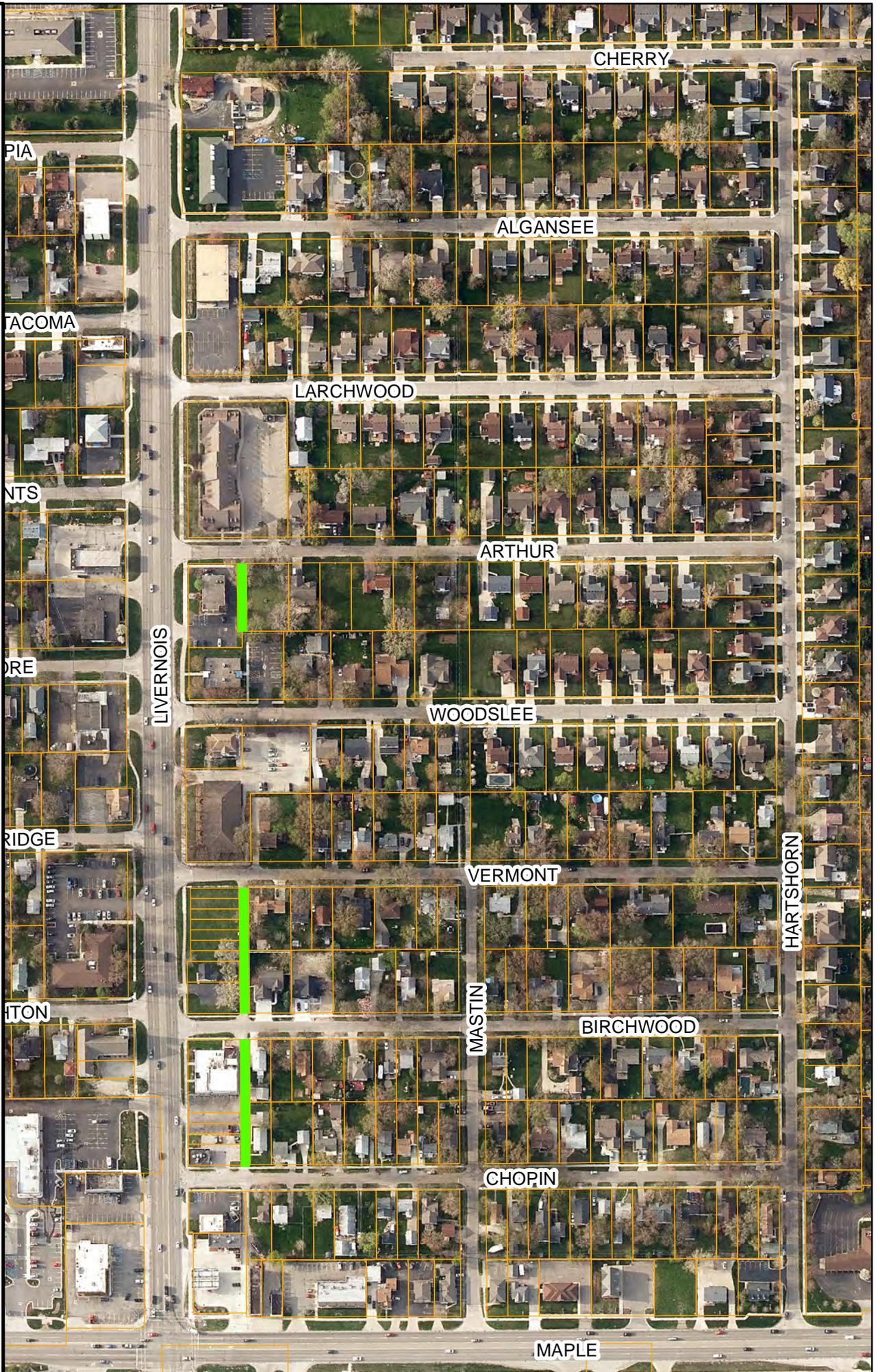
Point of Beginning  
Sec. 20  
Sec. 27  
Sec. 34  
Orig. Stone Found  
Sec. 34

# Vacation of Alley

Remaining Alley

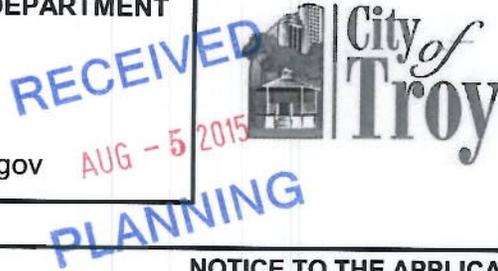


10/7/2015



# STREET / ALLEY VACATION APPLICATION CITY OF TROY

**CITY OF TROY PLANNING DEPARTMENT**  
**500 W. BIG BEAVER**  
**TROY, MICHIGAN 48084**  
**248-524-3364**  
**FAX: 248-524-3382**  
**E-MAIL: [planning@troymi.gov](mailto:planning@troymi.gov)**



**FILE NUMBER** SV 190  
**DATE FILED** 8/5/2015  
**STREET VAC. FEE (\$500.00)**   
**ESCROW FEE (\$1,500.00)**

**NOTICE TO THE APPLICANT**

REGULAR MEETINGS OF THE TROY CITY PLANNING COMMISSION ARE HELD ON THE SECOND TUESDAY OF EACH MONTH AT 7:00 P.M. AT THE CITY HALL. APPLICATIONS FOR VACATIONS SHALL BE FILED NOT LATER THAN THIRTY (30) DAYS BEFORE THE SCHEDULED DATE OF THE MEETING.

**PLEASE FILE ONE (1) SIGNED ORIGINAL APPLICATION FORM**

THE **ESCROW FEE** IS AN ADDITIONAL FEE ABOVE THE NON-REFUNDABLE APPLICATION FEE WHICH SHALL BE USED TO PAY PROFESSIONAL REVIEW EXPENSES OF OUTSIDE CONSULTANTS.

**TO THE CITY COUNCIL:**

I (WE), THE UNDERSIGNED, DO HEREBY RESPECTFULLY PETITION AND MAKE APPLICATION TO THE TROY CITY COUNCIL FOR VACATION OF THE RIGHT- OF- WAY OR EASEMENT WHICH IS DESCRIBED AS FOLLOWS:  
The public alley between Birchwood Ave. and Vermont Ave. adjacent to the parcels identified below, as shown on attached drawing.

**APPLICANT(S) FOR VACATION: \***

**NAME** Jerome S. Amber  
**COMPANY** Amber Properties Company  
**ADDRESS** 380 N. Crooks Rd.  
**CITY** Clawson **STATE** MI **ZIP** 48017  
**TELEPHONE** (248) 280-1700  
**E-MAIL** jamber@comcast.net

**NAME** \*Property is under an existing contract to purchase.  
**COMPANY** \_\_\_\_\_  
**ADDRESS** \_\_\_\_\_  
**CITY** \_\_\_\_\_ **STATE** \_\_\_\_ **ZIP** \_\_\_\_\_  
**TELEPHONE** \_\_\_\_\_  
**E-MAIL** \_\_\_\_\_

**ADDRESS(S) AND/OR PARCEL NUMBER(S) OF PROPERTY OWNED BY APPLICANT(S) WHICH ABUTS OR INCLUDES THE AREA FOR WHICH VACATION IS REQUESTED:** Parcel nos. 20-27-353-001, 20-27-353-002, 20-27-353-003, 20-27-353-004, 20-27-353-005, 20-27-353-006, 20-27-353-007, 20-27-353-008 and 02-27-353-029 on the west; and 20-27-353-012 & 20-27-353 on the east.

**THIS REQUEST FOR VACATION IS MADE FOR THE FOLLOWING REASON(S) :** To support Conditional Rezoning of the parcels fronting Livernois Rd. that will facilitate implementation of the site plan for a multiple family development under the Maple Road District.

(Attach additional informational pages if necessary)

**ATTACHED IS A MAP INDICATING THE AREA FOR WHICH VACATION IS REQUESTED, THE LOCATION OF THE APPLICANT(S) PROPERTY, AND OTHER ABUTTING PROPERTIES. ( 1" = 200' MIN. SCALE)**

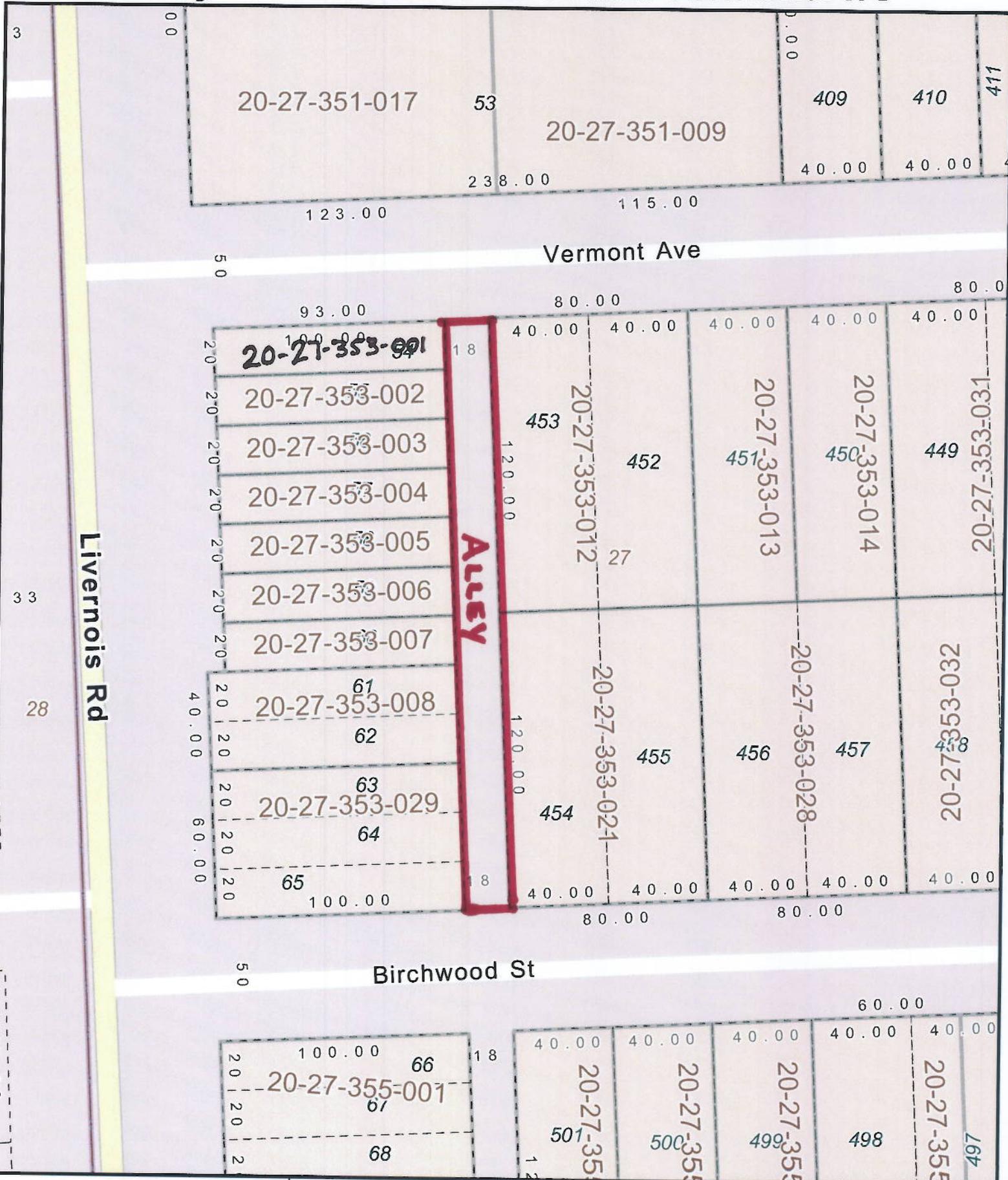
**SIGNATURE(S) OF THE APPLICANT(S):**

*Jerome S. Amber*

**DATE:** 8/5/2015

**DATE:** \_\_\_\_\_

# Alley Btwn Birchwood St and Vermont Ave



-  2 Foot Contours
-  5 Foot Contours
-  FEMA Base Flood Elevations
-  FEMA Cross Sections
-  100 yr - FEMA Floodplain
-  100 yr (detailed) - FEMA Floodplain
-  500 yr - FEMA Floodplain
-  FLOODWAY - FEMA Floodplain

Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present on the map.

  
**OAKLAND COUNTY**  
FORWARD DEVELOPMENT & COMMUNITY AFFAIRS  
**L. Brooks Patterson**  
**Oakland County Executive**

Date Created: 8/4/2015

  
**NORTH**  
 1 inch = 50 feet



October 23, 2015

Mayor Dane Slater  
and City Council  
City of Troy  
500 W. Big Beaver Rd.  
Troy, MI 48084

Re: Amber Properties Company  
Alley Vacation Request  
1800-1870 Livernois (the "Project")

Dear Mayor Slater and City Council Members:

Since we last met with you on August 24<sup>th</sup>, we are very pleased to report that the Troy Planning Commission unanimously recommended the requested alley vacation for the Project.

On behalf of Amber Properties Company, we assert the alley should be vacated for the following reasons:

1. The alley has never been paved or landscaped and only serves as an "unofficial" pathway between Birchwood and Vermont streets;
2. The alley is not needed for any governmental purpose, such as refuse pickup;
3. The alley is not needed for any ingress or egress to the Project -- all ingress and egress will occur off of the driveways on the adjacent residential streets;
4. The alley is not needed for any ingress or egress to the two adjacent residential homes, which have driveways and garages facing the streets;
5. The westerly half of the alleyway to be vacated to Amber will be part of the "buffer area" and will be appropriately landscaped and maintained;
6. Based upon an inspection of other adjacent properties bordering on Livernois, it appears that numerous alleys have been vacated over the years and incorporated into office and other commercial building projects; and

ATTORNEYS & COUNSELORS AT LAW

Mayor Dane Slater  
and City Council  
City of Troy  
October 23, 2015  
Page 2

7. The alley is not part of a network of alleys that are interconnected or continuous and that provide any manner of ingress and egress of the adjacent and nearby commercial and residential properties.

Amber respectfully requests approval to vacate the alley from the City Council. We are under a current deadline as we have had the due diligence period extended with the current property owner. Amber would appreciate your accommodation in this regard.

As always, if you have any questions, please feel free to contact me at your earliest convenience or Jerry Amber at (248) 280-1700.

Sincerely,



Dennis G. Cowan  
PLUNKETT COONEY  
Direct Dial: (248) 901-4056  
Email: [dcowan@plunkettcooney.com](mailto:dcowan@plunkettcooney.com)

DGC/cmw  
cc: Jerry Amber

Open.19331.70425.16089971-1



September 18, 2015

Planning Commission  
City of Troy  
500 W. Big Beaver Rd.  
Troy, MI 48084

Re: Amber Properties Company  
Alley Vacation Request  
1800-1870 Livernois (the "Project")

Dear Planning Commissioners:

Since we last met with you on July 28<sup>th</sup>, we are very pleased to report that the Troy City Council unanimously approved the conditional rezoning and Site Plan for the Project on August 24<sup>th</sup>. As you may recall, as part of the Site Plan, the westerly nine feet of the current alley, has been added as a buffer area to the adjacent residential properties. Consequently, the alley needs to be vacated in order for the Project to move forward.

On behalf of Amber Properties Company, we assert the alley should be vacated for the following reasons:

1. The alley has never been paved or landscaped and only serves as an "unofficial" pathway between Birchwood and Vermont streets;
2. The alley is not needed for any governmental purpose, such as refuse pickup;
3. The alley is not needed for any ingress or egress to the Project -- all ingress and egress will occur off of the driveways on the adjacent residential streets;
4. The alley is not needed for any ingress or egress to the two adjacent residential homes, which have driveways and garages facing the streets;
5. The westerly half of the alleyway to be vacated to Amber will be part of the "buffer area" and will be appropriately landscaped and maintained;
6. Based upon an inspection of other adjacent properties bordering on Livernois, it appears that numerous alleys have been vacated over the years and incorporated into office and other commercial building projects; and

**ATTORNEYS & COUNSELORS AT LAW**

Planning Commission  
City of Troy  
September 18, 2015  
Page 2

7. The alley is not part of a network of alleys that are interconnected or continuous and that provide any manner of ingress and egress of the adjacent and nearby commercial and residential properties.

Amber respectfully requests a recommendation to vacate the alley from the Planning Commission to the City Council. We are under a current deadline as we have had the due diligence period extended with the current property owner. Amber would appreciate your accommodation in this regard.

As always, if you have any questions, please feel free to contact me at your earliest convenience or Jerry Amber at (248) 280-1700.

Sincerely,



Dennis G. Cowan  
PLUNKETT COONEY  
Direct Dial: (248) 901-4056  
Email: [dcowan@plunkettcooney.com](mailto:dcowan@plunkettcooney.com)

DGC/cmw  
cc: Jerry Amber

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6. PUBLIC HEARING - STREET VACATION REQUEST (SV 190) – Alley between Vermont and Birchwood, Abutting parcels 88-20-27-353-001, 002, 003, 004, 005, 006, 007, 008 and 029 on the west and parcels 88-20-27-353-012 and 021 on the east, Section 27, Currently Zoned MR (Maple Road) and R-1E (One Family Residential) Districts (abutting properties)

Mr. Savidant reported the vacation request is consistent with previous requests to vacate portions of the same alley. Mr. Savidant said City Management recommends approval of the alley vacation request as submitted, subject to the condition that an overhead utility easement is maintained.

Present were Dennis Cowan of Plunkett Cooney and Jerome Amber of Amber Properties Company.

Mr. Cowan said the proposed vacation has been discussed with the abutting property owner on Birchwood but they have not been successful making contact with the property owner on Vermont.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution # PC-2015-09-059**

Moved by: Krent

Seconded by: Tagle

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for an alley located east of Livernois, between Vermont and Birchwood, approximately 18 feet wide by 240 feet in length, abutting Lots 65 through 54 and lots 454 and 455 of Addison Height, Section 27, be approved, subject to the following:

1. An easement shall be maintained for overhead utilities.

Yes: All present (8)

Absent: Hudson

**MOTION CARRIED**

September 15, 2015

Planning Commission  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

Dear Sirs/Madams:

I, as a property holder on the site which is proposed for development at R F 24 Levernoss, between Vermont and Buchanan and following the Planning Commission and the City Council's unanimous approval to allow the development subject to the vacation of the alley which runs to the back of the proposed development just West of Levernoss. My understanding is if the alley is vacated 1/2 will go to the owners of the property which is ~~to~~ planned to be

subject - vacation of alley developed and 1/2 to the two property owners whose property parallels the alley and also runs East of Levernoss.

I include myself along with Jim Sheppard as a co-owner of the subject property in the petition to vacate the alley for the following reasons:

(1) it is an issue with the unanimous approval of the Planning Commission and the City Council that the proposed development go forward, (2) the developer needs the additional property as I understand it, to complete their proposed development, (3) there is a precedent for the area for vacation of alleys, (4) it will create a better lot base for the city, (5) there is several parcels of vacant property which

SUBJECT:

Vacation of Alley

have been vacant for years, which stand to be developed, (6) the two adjoining property owners who also stand to gain 1/2 of the land proposed by the vacation of the alley, have built attractive white picket fences on their respective property lines which abut the alley, (7) if approved release the City of Troy from the obligation to maintain an alley, (8) most importantly it will fulfill a need the City of Troy ~~has to~~ to attract young hard working professionals who will continue to live there after they are married and will seek large accommodations.

Subject - vacation of alley

(9) The developer has an outstanding track record for the development and maintenance of the properties which he has already developed, and (10) Jenni Sheppard and I, will be proud to see this development go forward as a vast improvement to what is on the site already and as a lasting legacy to the City. The City of Troy has made a lot of progress since I began a resident in the early "60's" living first in the Somerset Apartments and then purchasing a home at 296 Resden in Troy. I admire the City for fulfilling the needs of the city despite all the progress it has made to date.

Respectfully,  
S. Whittier

M. J. Farney  
1824 Lenox  
Troy, MI 48084

METROPLEX MI 480

18 SEP 2015 PM 9 L



Planning Commission  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

