CITY COUNCIL AGENDA ITEM

Date: February 3, 2016

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 191) – Alley east of John R between Gabriel and Vermont, Abutting vacant parcel 88-20-25-309-002 on the west, Section 25, Currently Zoned R-1E (One Family Residential) District (abutting properties)

The applicant, Naveed V. Syed, seeks vacation of a section of alley approximately 10 feet wide by 40 feet long. The applicant owns the parcel that abuts the alley to the west (Tax ID# 88-20-25-309-002). The application states that alley vacation will allow for construction of a single family home with a larger building footprint.

The alley is in Sussex Park Subdivision, which was platted in 1925. Most of the 20-foot wide alley has been vacated since 1925. There are some 10-foot wide and 20-foot wide segments remaining. This application is consistent with previous efforts to vacate sections of the alley.

There is an 8-inch underground sanitary sewer line in the alley as well as overhead utilities. An easement must be maintained for both underground and overhead utilities. No buildings or structures will be permitted to be constructed within this easement.

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

The attached Planning Commission item provides additional background.

Attachments:

1. Agenda item from December 22, 2015 Planning Commission Regular meeting
2. Minutes from December 22, 2015 Planning Commission meeting (excerpt)

G:\STREET VACATION\SV 191 Alley on John R between Gabriel and Vermont Sec 25\CC Memo_Public Hearing 2016 02 08.doc

DATE: December 14, 2015

TO: Planning Commission

FROM: R. Brent Savidant, Planning Director

SUBJECT: PUBLIC HEARING - STREET VACATION REQUEST (SV 191) – Alley east of John R between Gabriel and Vermont, Abutting parcel 2020 Gabriel on the East and Vacant Parcel 88-20-25-309-002 on the West, Section 25, Currently Zoned R-1E (One Family Residential) District (abutting properties)

GENERAL INFORMATION

Name of applicant(s):
The applicant is Naveed V Syed, owner of the vacant parcel abutting the alley on the west (Tax ID# 88-20-25-309-002).

History of Right of Way:
Sussex Park Subdivision was platted in 1925. Most of the 20-foot wide alley has been vacated since 1925. There are some 10-foot wide and 20-foot wide segments remaining. This application is consistent with previous efforts to vacate sections of the alley.

Length and width of right of way.
The section of the alley proposed to be vacated is 40 feet long by 10 feet wide. The applicant proposes to vacate only half of the alley, for the purpose of expanding the building envelope for a single family home.

ANALYSIS

Reason for street vacation (as stated on the Street/Alley Vacation Application):
The application states the following:
"We want to build a house but the size is very small, if we get 10 feet from the alley we will be able to build at least 25'X50' instead of 25'X40'."

Impact on access to existing lots or buildings (including emergency service vehicles):
Access to abutting properties will not be affected by vacation of this portion of the alley.

Impact on Utilities
There is an 8-inch underground sanitary sewer line within the alley, as well as overhead utilities. An easement must be maintained for the underground and overhead utilities. Furthermore, no buildings or structures may be constructed within the easement.

Future Land Use Designation:
The area is designated on the Future Land Use Plan as Single Family Residential.

CITY MANAGEMENT RECOMMENDATION

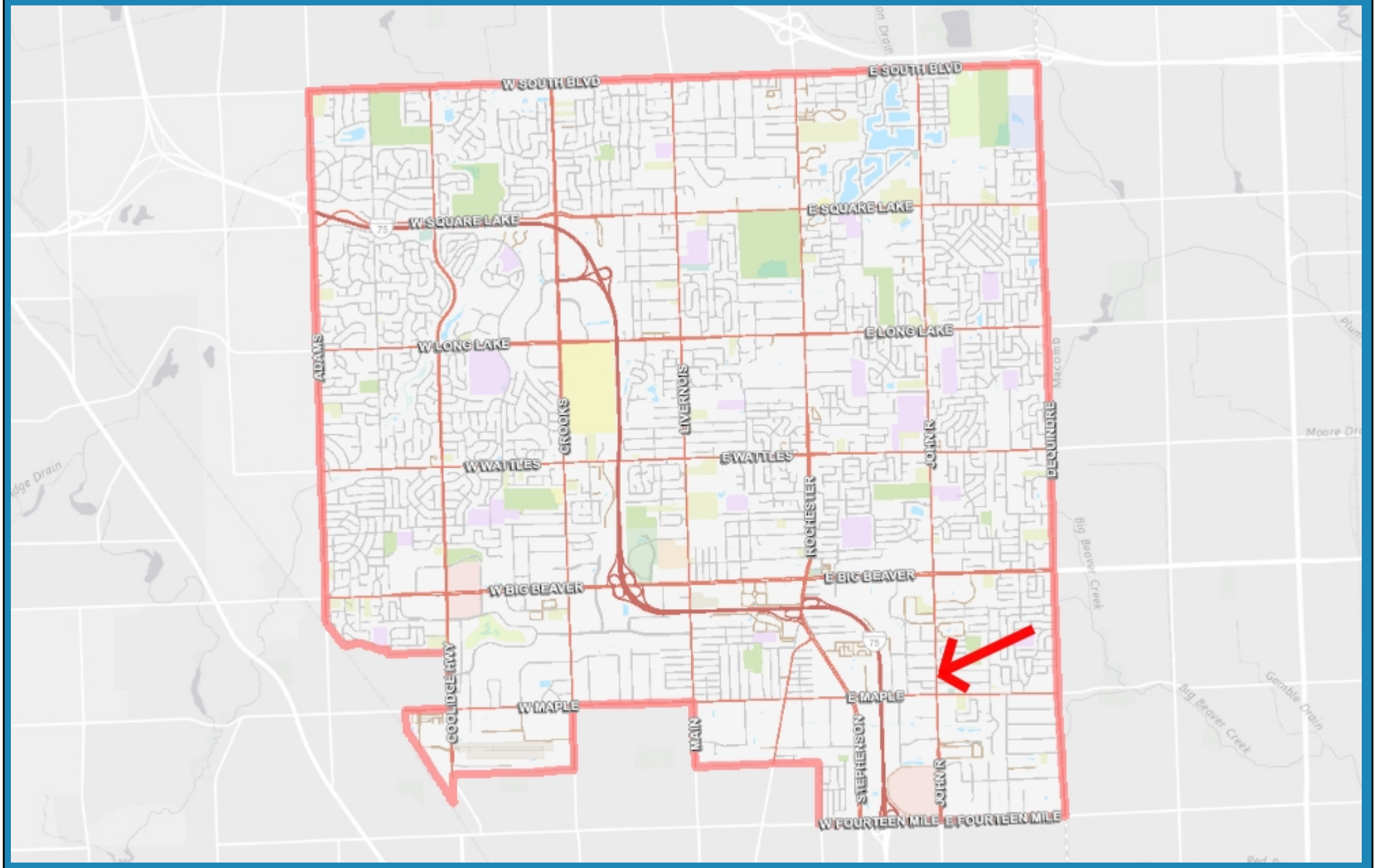
City Management recommends approval of the street vacation request as submitted, subject to the following:

1. An easement shall be maintained for overhead and underground utilities.
2. No structures or buildings shall be constructed within the easement.

Attachments:
1. Maps
2. Plat drawing of Sussex Park Subdivision
3. Application

G:\STREET VACATION\SV 191 Alley on John R between Gabriel and Vermont Sec 25\SV 191 PC Memo 12 08 2015.doc

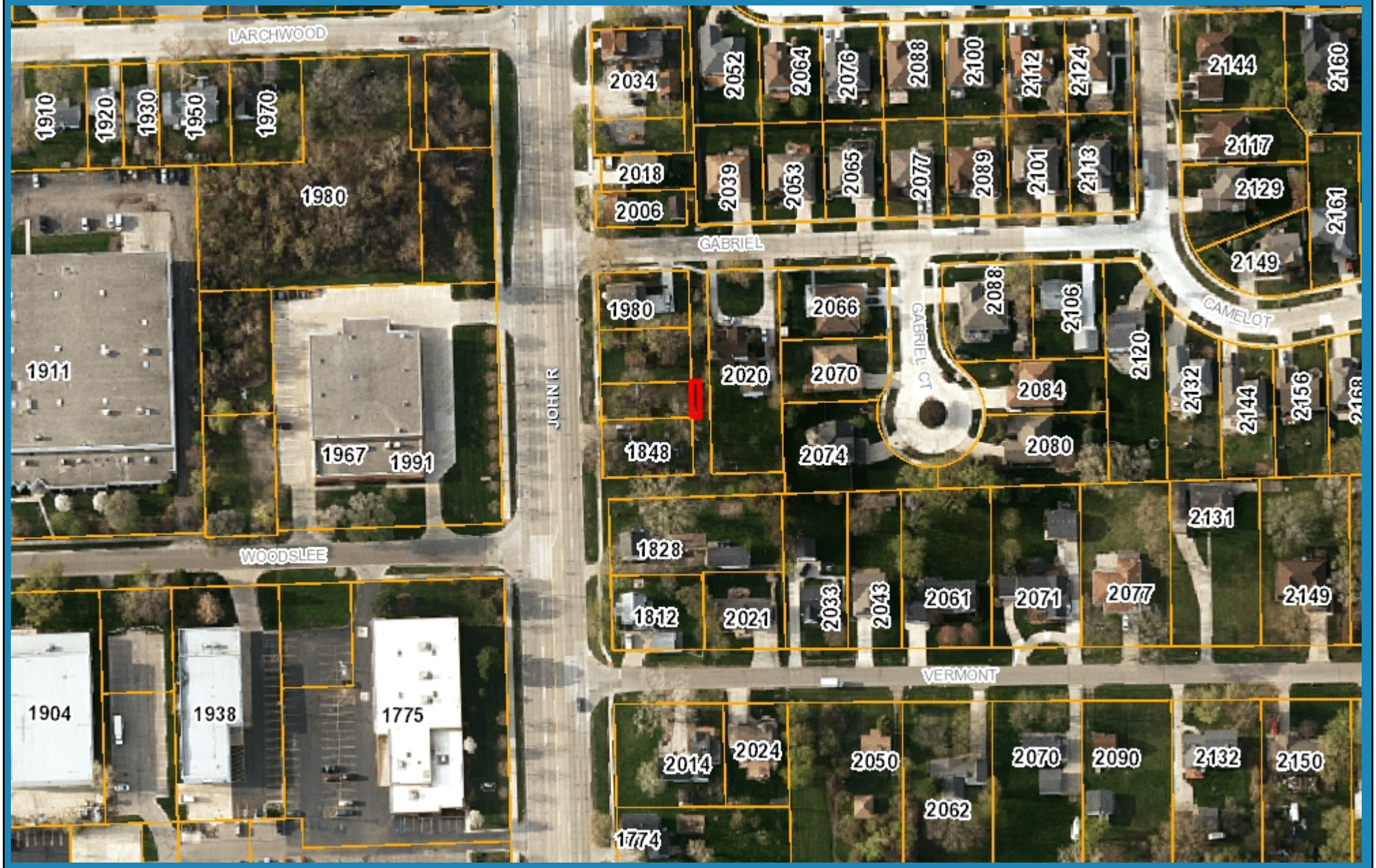
City of Troy GIS Online



15,416 0 7,708 15,416 Feet

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.

City of Troy GIS Online



395 0 197 395 Feet

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.

City of Troy GIS Online

197 0 99 197 Feet

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.

City of Troy GIS Online

395 0 197 395 Feet

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20254

COPY

Oakland County. } ss.

Plat of Sussex Park

was Examined this 31 day of Mar A.D., 19 25 at 2 10 o'Clock P. M. in Liber 36 of Plats on Page 12

Lucile Carey Whitfield
Register of Deeds

ORIGINAL COPY

Examined and Approved
Mar 27-1925
Jno. L. Hansen
Deputy Auditor General

"SUSSEX PARK"

BEING A SUBDIVISION OF THE N.W ¼ OF THE S.W. ¼ OF SEC. 25-T.2N, R.11E.

TROY TOWNSHIP - OAKLAND COUNTY - MICHIGAN.

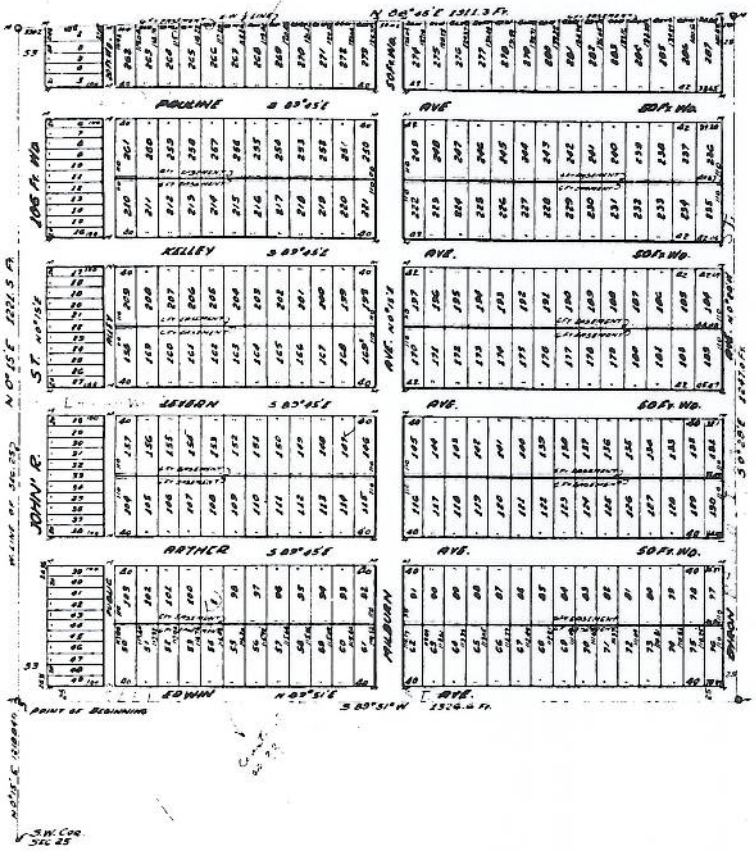
SCALE 1 inch = 250 feet

All dimensions given in feet or decimals thereof.

A.F. Cushing
Registered Surveyor
1343 Lafayette Bldg.
Detroit

I HEREBY CERTIFY THAT THIS COPY IS A TRUE COPY OF THE ORIGINAL FOR THE PLAT OF SUSSEX PARK
Mar 27-1925
Jno. L. Hansen
DEPUTY AUDITOR GENERAL

FILED IN AUDITOR GENERAL'S DEPT.
October 1, 1925
Jno. L. Hansen
DEPUTY AUDITOR GENERAL



Know all men by these presents, that Henry Preisel and Ida Preisel, his wife

as proprietors, have caused the land embraced in the annexed plat, to be surveyed, platted and subdivided, as shown on said plat, which said subdivision shall be known as "Sussex Park" being a subdivision of the N.W. ¼ of the S.W. ¼ of Sec. 25-T.2N, R.11E. Troy Township, Oakland County, Michigan. and that the streets, alleys and easements as shown on said plat are hereby dedicated to the public use forever.

Witness our hands and seals this 27th day of February, 1925.

W. Arthur Wise
Earle L. Wise

Henry Preisel
Ida Preisel L.S.
his Wife

State of Michigan
County of Wayne } ss.

On this 27th day of February 1925 before me, a Notary Public in and for said County, personally appeared Henry Preisel and Ida Preisel, his wife

to me known to be the same persons described in and who executed the within instrument, and acknowledged that they executed the same as their free act and deed.

W. Arthur Wise
Notary Public Wayne Co. Mich.

My Commission Expires Nov. 30, 1926

I hereby certify that the Plat known as "Sussex Park" is a correct one and that permanent stone monuments consisting of 15x18 inch iron Stakes have been placed at all angles in the boundaries of this subdivision and at all intersections of streets or streets and alleys.

A.F. Cushing
Registered Surveyor

This plat was approved by the Township Board of the Township of Troy at a meeting held February 28th 1925

Morris A. Wattles
Clerk

Oakland County Treasurer's Certificate

(Required by Section 188, Act. 206, Laws of 1893)

This is to Certify, that there are no Tax Liens or Titles held by the State or any individual against, and that all Taxes on lands described in the annexed instrument bearing Treasurer's Number 0.7-4449 have been paid FIVE YEARS prior to the date thereof, according to the records of this office, except as stated.

F H Louie
Treasurer

Pontiac, Mich. Mar 27 1925

This plat was approved by the Board of Supervisors this 2 day of March 1925

William H. Hume
Auditor

Edward Simmons
Auditor

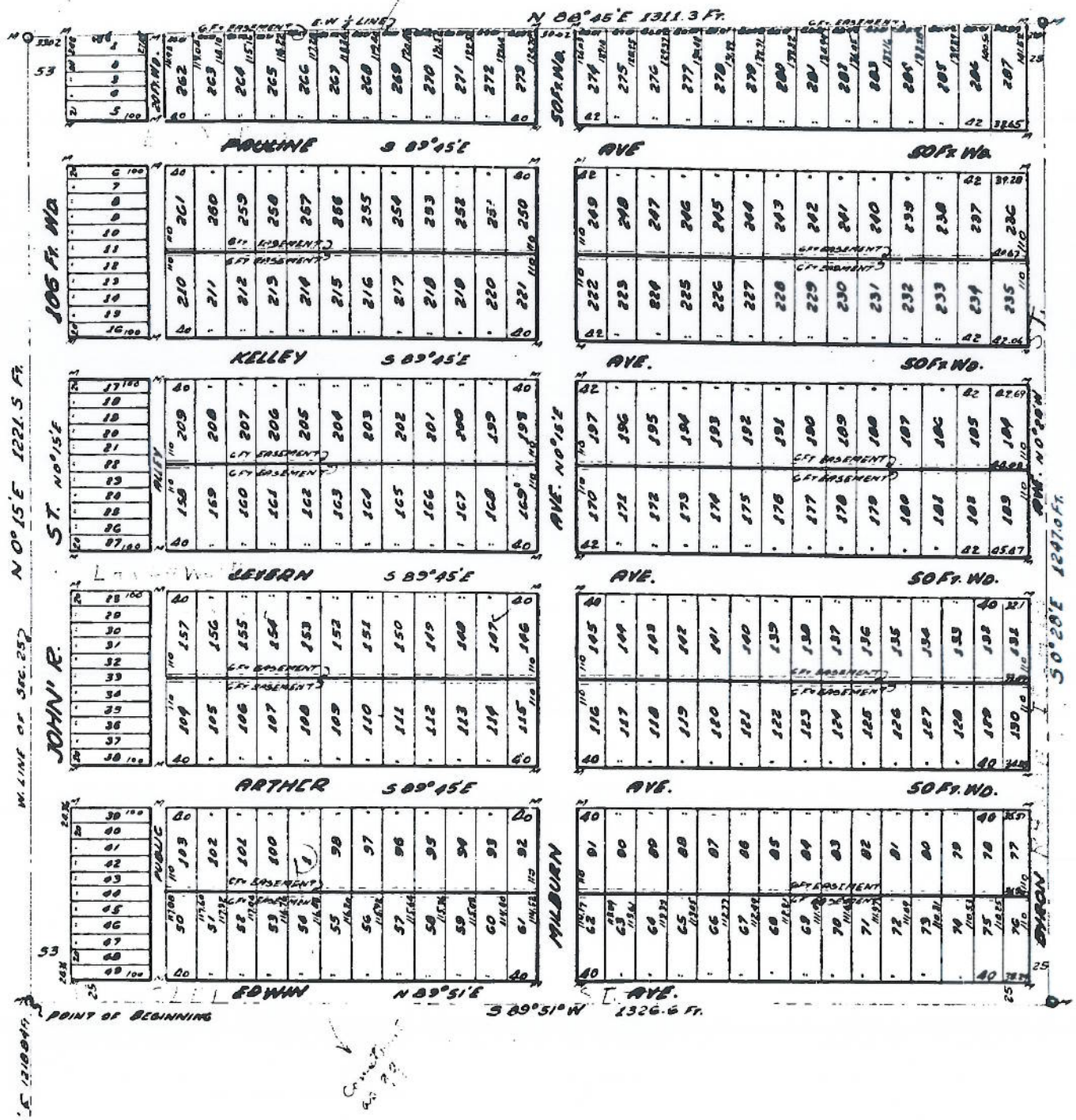
Fred Dewhirst
Auditor

DESCRIPTION

The land embraced in the annexed plat is more particularly described as follows: Beginning at a point on the West line of Section 25, said point being distant N. 0°15' E. 1316.24 ft. from the S. W. corner of Sec. 25, T. 2-N. R. 11 E. thence, N. 0°15' E. along the W. line of Sec. 25 - 1331.5 ft. to the E. & W. ¼ line of Sec. 35, thence, N. 88°45' E. 1311.3 ft. to a point, thence, S. 0°38' E. 1347.0 ft. to a point, thence, S. 89°51' W. 1326.6 ft. to the place of beginning, said property to be known as "SUSSEX PARK" being a Subdivision of the N.W. ¼ of the S.W. ¼ of Sec. 25- T. 2-N. R. 11 E., Troy Township, Oakland County, Michigan.

...REBY CERTIFY THAT THIS COPY IS
...
Mar 27 - 1925
[signature]
DEPUTY AUDITOR GENERAL.

...LED IN AUDITOR GENERAL'S DEPT.
Apr 1 1925
[signature]
DEPUTY AUDITOR GENERAL.



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

FILE NUMBER SV 191
DATE FILED
STREET VAC. FEE ($500.00) pd
ESCROW FEE ($1,500.00) n/a

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

RECEIVED
NOV - 5 2015
PLANNING

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:
10' OF ALLEY BEHIND THE PROPERTY FROM THE EXISTING 20' VACANT ALLEY.

PID 88-20-25-309-002 East of John between Gabriel and Vermont

APPLICANT(S) FOR VACATION:

NAME NAVEED V SYED	NAME
COMPANY	COMPANY
ADDRESS 2564 MARCUS DRIVE	ADDRESS
CITY TROY STATE ZIP 48083	CITY STATE ZIP
TELEPHONE 313 922 7777	TELEPHONE
E-MAIL naveedexpress@aol.com	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:

THIS REQUEST FOR VACATION IS MADE FOR THE FOLLOWING REASON(S) :
We want to build a house but the lot size is very small, If we get 10 feet from the alley we will be able to build atleast 25'X50' instead of 25' x 40'.

(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):

Naveed Syed DATE: 11/4/15

DATE:

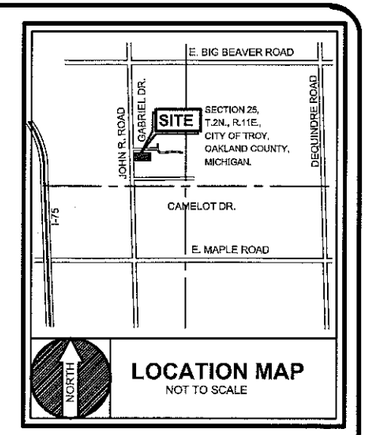
TOPOGRAPHIC SURVEY
LOTS 45 AND 46
SUSSEX PARK
PARCEL ID # 20-25-309-002

DESCRIPTION OF PROPERTY

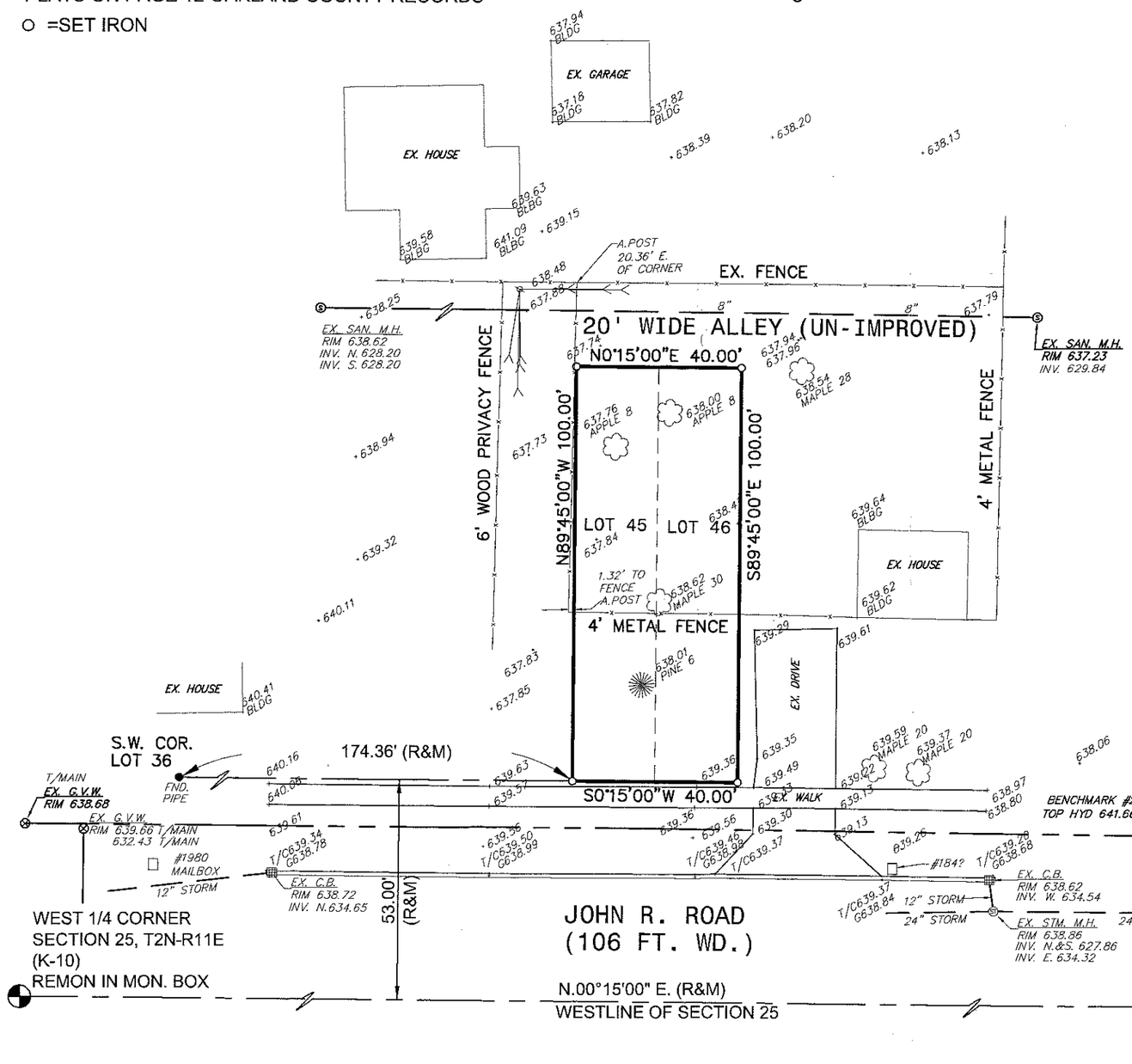
LOT 45 AND 46 OF "SUSSEX PARK" BEING A SUBDIVISION OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 25, T.2N., R.11E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN
ACCORDING TO THE PLAT AS RECORDED IN LIBER 36 OF PLATS ON PAGE 12 OAKLAND COUNTY RECORDS

O =SET IRON

BENCHMARK:
1. ARROW ON TOP OF HYD.,WEST SIDE OF JOHN R. ROAD, 75' N. OF NORTHERN ELECT. DRIVE ELEV. 641.69(R) (NOT SHOWN)
2. ARROW ON TOP OF HYD.,EAST SIDE OF JOHN R. ROAD. ELEV.641.58(R) ELEV.641.66(M) (SHOWN)



LOCATION MAP
NOT TO SCALE



STATE OF MICHIGAN
DONALD H. KING
PROFESSIONAL SURVEYOR
No. 30085
LICENSED PROFESSIONAL SURVEYOR

11-2-15

CALL MISS DIG 72 HOURS (3 WORKING DAYS) BEFORE YOU DIG 1-800-482-7171 or 811 (TOLL FREE)

FAZAL KHAN & ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
43279 SCHOENHERR STERLING HEIGHTS, MI 48313
PHONE (586) 739-8007 FAX (586) 739-6994
WWW.FAZALKHAN.COM

PROJECT NO. 15-0199A	DATE 10-26-15	DRAWN BY O.G.	CHECKED BY S.H.
CLIENT NAVEED SYED		SCALE 1" = 30'	
SHEET NO. 1			

STREET VACATION

8. PUBLIC HEARING - STREET VACATION REQUEST (SV 191) – 10 Foot of Alley east of John R between Gabriel and Vermont, Abutting Parcel 2020 Gabriel on the East and Vacant Parcel 88-20-25-309-002 on the West, Section 25, Currently Zoned R-1E (One Family Residential) District (abutting properties)

Mr. Savidant reported on the Street Vacation request. He said City Management recommends approval of the request as submitted subject to maintaining an easement for overhead and underground utilities.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

There was discussion relating to maintenance of the property and potential to vacate the entire alley in the future.

Resolution # PC-2015-12-077
Moved by: Tagle
Seconded by: Krent

RESOLVED, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for an alley located east of John R, between Gabriel and Vermont, approximately 10 feet wide by 40 feet in length, abutting lots 45 and 46 of Sussex Park Subdivision, Section 25, be approved, subject to the following:

1. An easement shall be maintained for underground and overhead utilities.
2. No structures or buildings shall be constructed within the easement.

Yes: All present (7)
Absent: Hutson, Sanzica

MOTION CARRIED