CITY COUNCIL REPORT

DATE: December 17, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Mark F. Miller, Planning Director

SUBJECT: Announcement of Public Hearing – Street Vacation –– Myrtle Avenue (originally platted as Melita Avenue), East of Kilmer, North of Big Beaver, Section 22 (File Number: SV 163-C)

Background:

- A public hearing is scheduled for the January 26, 2009 City Council meeting.
- The Planning Commission recommended approval of the street vacation request at the December 9, 2008 Regular meeting.
- The right-of-way was approved as a platted street (originally platted as "Melita Avenue") in 1927 as part of the Burgess Bungalow Subdivision. The street is unimproved.
- The subject property is located entirely within the proposed PUD #10, Big Beaver Kilmer Mixed Use Planned Unit Development, which received Concept Development Plan Approval by City Council on December 15, 2008.
- Following vacation, ownership will revert to the applicant, who owns the property within the plat to the north and south of the proposed street vacation.

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

- City Council has the authority to act on this application.
- The State of Michigan may require the Burgess Bungalow Subdivision plat to be amended.

Policy Considerations:

- The application is consistent with the following "Outcome Statements" as established at the July 1, 2008 special Council meeting:

  II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues.
  III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City Council can approve or deny the street vacation request.

- No City Council action until the January 26, 2009 public hearing.

Attachments:
1. Minutes (draft) from the December 9, 2008 Planning Commission Regular meeting.
2. Planning Commission report dated December 2, 2008.

Prepared by RBS/MFM

cc: Applicant
File /SV 163-C

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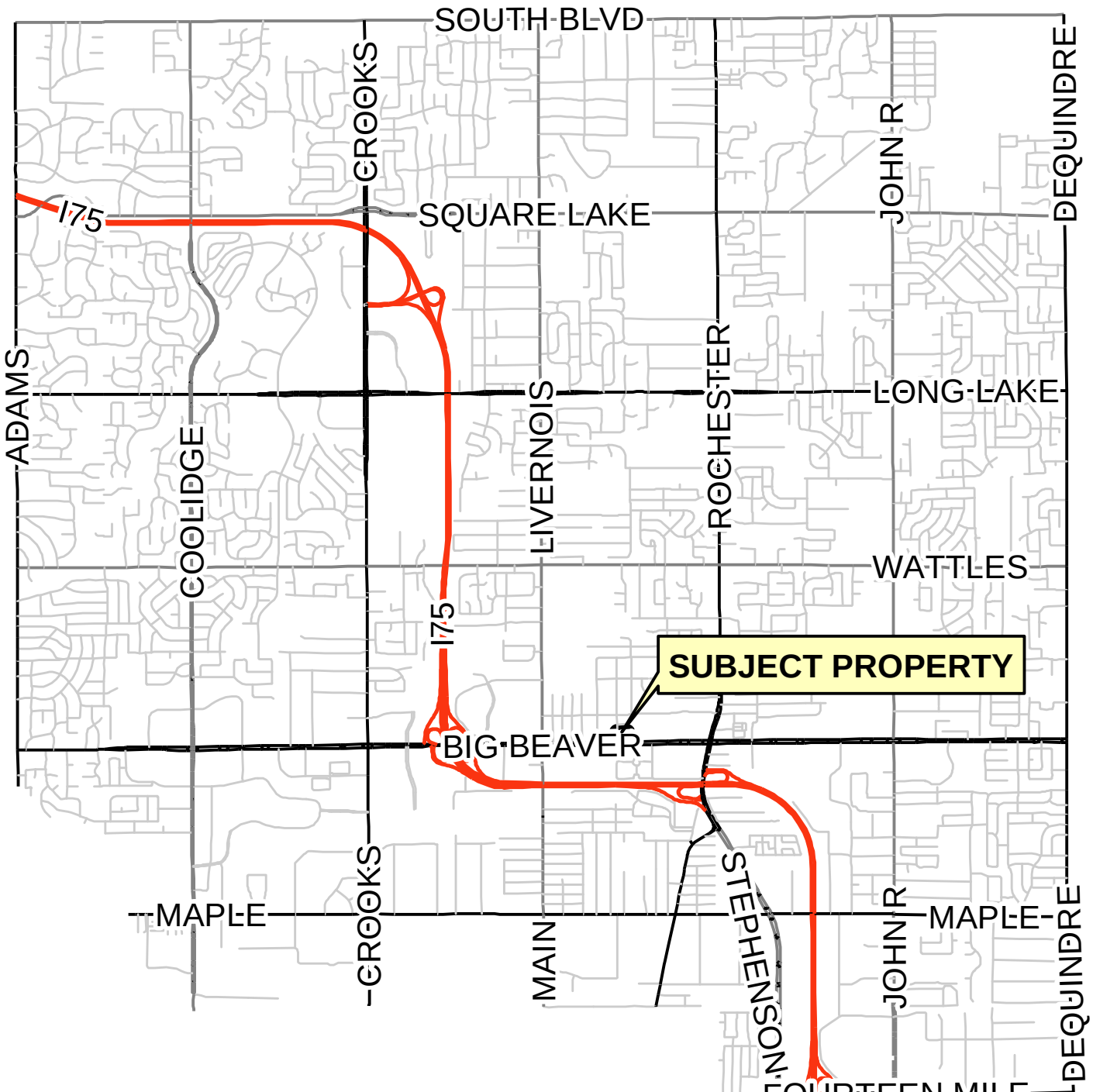
CITY OF TROY



PREPARED BY CITY OF TROY PLANNING DEPT.

STREET VACATION REQUEST
MYRTLE AVE. (AKA MELITA AVE) - 50' WIDE STREET
EXTENDING 272.73' E OF KILMER
N OF BIG BEAVER, E SIDE OF KILMER
SEC. 22 (SV 163 C)

LANGSTON

KILMER

EX. MYRTLE AVE (AKA MELITA AVE)
REQUESTED TO BE VACATED

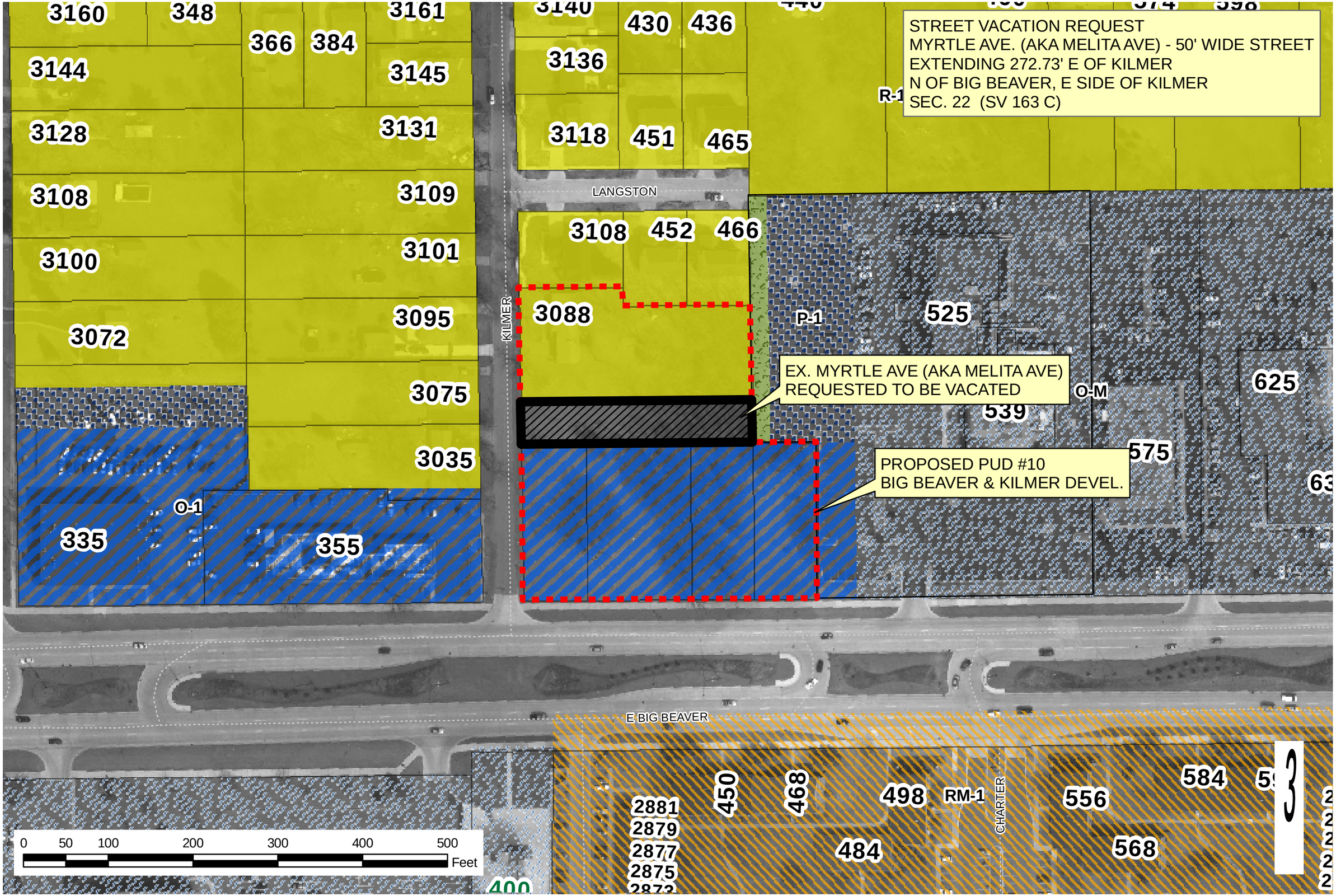
PROPOSED PUD #10
BIG BEAVER & KILMER DEVEL.

E BIG BEAVER

CHARTER

0 50 100 200 300 400 500
Feet

3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LANGSTON
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CHARTER
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P-1
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O-1
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Feet

STREET VACATION

7. PUBLIC HEARING – STREET VACATION REQUEST (SV 163-C) – Myrtle Avenue (originally platted as Melita Avenue), East of Kilmer, North of Big Beaver, 50 feet wide and approximately 272.73 feet long, abutting Lots 19 through 22 of Burgess Bungalow Subdivision, Section 22 (located within proposed PUD #10 BBK)

Mr. Miller presented a summary of the Planning Department report on the proposed street vacation, and reported it is the recommendation of City Management to approve the request.

Cary Gitre of Landus Development, 412 Willits, Birmingham, was present to represent the petitioner.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2008-12-147
Moved by: Sanzica
Seconded by: Tagle

RESOLVED, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for Myrtle Avenue, located east of Kilmer and north of Big Beaver, approximately 50 feet wide and 272.73 feet long, abutting Lots 19 through 22 of Burgess Bungalow Subdivision, Section 22, be approved.

BE IT FURTHER RESOLVED, That the applicant shall cause to be completed a vacated, corrected or revised plat conforming to the requirements of the Land Division Act, MCL 560.221, et. seq., for the areas affected by this vacation request, if required by the State of Michigan.

BE IT FINALLY RESOLVED, That the applicant shall deliver a recorded copy of the court judgment regarding the aforesaid vacated, corrected or revised plat, if required, to the City Attorney's Office prior to any construction commencing on the parcel.

Yes: All present (6)
Absent: Strat, Ullmann, Wright

MOTION CARRIED

DATE: December 2, 2008

TO: Planning Commission

FROM: Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Ronald Figlan, Planner
Paula Preston Bratto, Planner

SUBJECT: PUBLIC HEARING – STREET VACATION APPLICATION (SV 163-C) – Myrtle Avenue (originally platted as Melita Avenue), East of Kilmer, North of Big Beaver, Section 22

GENERAL INFORMATION

Name of applicant(s):
The applicant is Ryan S. Marsh of Marsh – BBK, LLC.

History of Street:
The property is located entirely within the proposed PUD #10, Big Beaver Kilmer Mixed Use Planned Unit Development. The right-of-way was approved as a platted street (originally platted as "Melita Avenue") in 1927 as part of the Burgess Bungalow Subdivision. The street is unimproved.

Following vacation, ownership will revert to the applicant, who owns the property within the plat to the north and south of the proposed street vacation.

Length and width of right of way.
The Myrtle Avenue right-of-way is approximately 272.73 feet long by 50 feet wide. The Myrtle Avenue right-of-way abuts lots 19, 20, 21 and 22 of Burgess Bungalow Subdivision to the north, and part of lot 135 of the Replat of Outlot A, Big Beaver Subdivision and lots 1 through 3 of Supervisor's Plat No. 9 Subdivision to the south.

Zoning of abutting parcels:
North: R-1E One Family Residential.
South: O-1 Low Rise Office.
East: E-P Environmental Protection.
West: Not zoned (Kilmer Avenue).

Use of adjacent parcels:
North: Single family residential.
South: Vacant.
East: Landscape buffer for Willow Office Center and Bahama Breeze Restaurant.
West: Kilmer Avenue.

ANALYSIS

Reason for street vacation (as stated on the Street/Alley Vacation Application):
The reason given in the application is: “To accommodate Troy PUD 10”.

Impact on utilities:
There are no City-owned public utilities (water, sewer or storm sewer) located within the right of way. Other public utility agencies were notified of the street vacation request in writing.

Impact on access to existing lots or buildings:
The applicant owns the property on both the north and south sides of the right of way. Access to abutting properties will not be impacted by vacation of the right of way.

Plat/Land Division Implications
The State of Michigan may require the Burgess Bungalow Subdivision plat to be amended.

CITY MANAGEMENT RECOMMENDATION

City Management recommends approval of the street vacation request for Myrtle Avenue.

Attachments:
1. Maps.

cc: Applicant
File/ SV 163-C

G:\STREET VACATION\SV 163 C Myrtle Ave Sec 22\SV 163 C PC Report.docx

23

April 7-1927

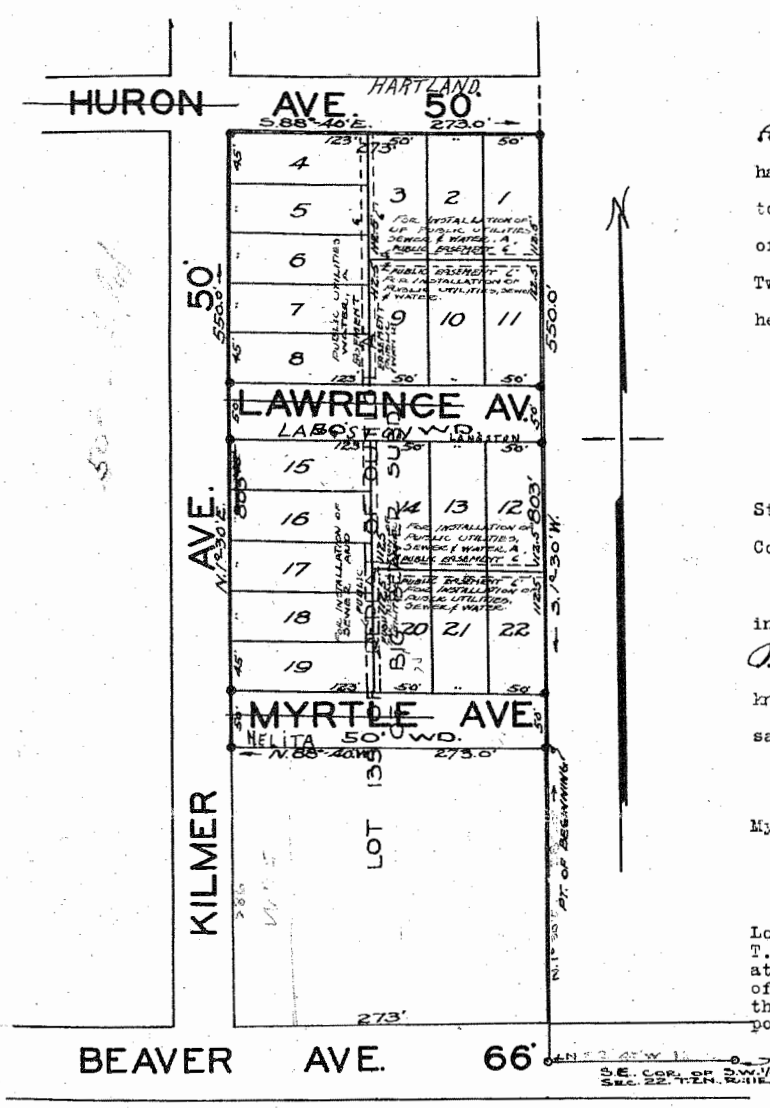
BURGESS BUNGALOW SUBDIVISION

OF PART OF LOT 135 OF REPLAT OF OUTLOT "A" OF BIG BEAVER" SUBDIVISION.

PART OF S.W.¼ OF SECTION 22. T.2N., R.11E.,

TROY TWP., OAKLAND CO., MICHIGAN.

1" ½" ¼ 0 25' 50' 100' 200'
ALL DIMENSIONS IN FEET & DECIMALS THEREOF.
SCALE: 1" = 100'



DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That we LIVONIA M. KILMER AS PROPRIETOR AND WILLIAM H. BURGESS AND MYRTLE C. BURGESS, HIS WIFE, AS VENDEES.. have caused the land embraced in the annexed plat to be surveyed, laid out and platted, to be known as "Burgess Bungalow Subdivision of part of Lot 135 of Replat of outlot "A" of Big Beaver" Subdivision. Part of S. W. ¼, of Section 22, T. 2 N., R. 11 E., Troy Twp., Oakland Co., Michigan, and that the streets and alleys as shown on said plat are hereby dedicated to the use of the public.

Signed and Sealed in Presence of

Ella M. Rankin

Mary Hall

Livonia M. Kilmer (L.S.)
William H. Burgess (L.S.)
Myrtle C. Burgess (L.S.)
.....(L.S.)

State of Michigan,)
County of Oakland) ss.

On this 30th day of December 1926 before me, a Notary Public in and for said county, personally came the above named Livonia M. Kilmer William H. Burgess and Myrtle C. Burgess known to me to be the persons who executed the above dedication, and acknowledged the same to be their free act and deed.

Harry L. Schuldt

My Commission expires Jan. 13th 1930 Notary Public Oakland Co. Mich.

DESCRIPTION OF LAND PLATTED.

The land embraced in the annexed plat of "Burgess Bungalow Subdivision" of part of Lot 135 of replat of outlot "A" of Big Beaver" Subdivision. Part of S. W. ¼ of Section 22, T. 2 N., R. 11 E., Troy Twp., Oakland Co., Michigan, is described as follows: Beginning at a point 165' N. 88° 40' W. 286' N. 1° 30" E. from the S. E. corner of the S. W. ¼ of Sec. 22, T. 2 N., R. 11 E., Troy Twp. Oakland Co., Michigan; thence N. 88°-40' W. 273'; thence N. 1° 30' E. 550'; thence S. 88°-40' E., 273'; thence S. 1° 30' W. 550' to the point of beginning.

SURVEYOR'S CERTIFICATE.

I hereby certify that the plat hereon delineated is a correct one and that permanent metal monuments of not less than one inch in diameter and fifteen inches inlength set in a concrete base at least four inches in diameter and forty-eight inches in depth have been placed at points marked thus: (•) as thereon shown at all angles in the boundaries of the land platted, at all the intersections of streets, intersections of alleys, or of streets and alleys, and at the intersections of streets and alleys with the boundaries of the plat as shown on said plat.

R. S. Brauch
Registered Civil Engineer.

CERTIFICATE OF APPROVAL.

This plat was approved by the Township Board of Troy Twp., at a meeting held Feb. 9-1927

Homer M. Miller
Clerk.

Oakland County Treasurer's Certificate

(As required by Section 135, 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 the within description, and that all Taxes on the lands described in the within instrument bearing Treasurer's certificate No. 10473 are paid FIVE YEARS prior to the date hereof, according to the records of this office, except as stated.

Jessie D. Gray
Deputy County Treasurer.

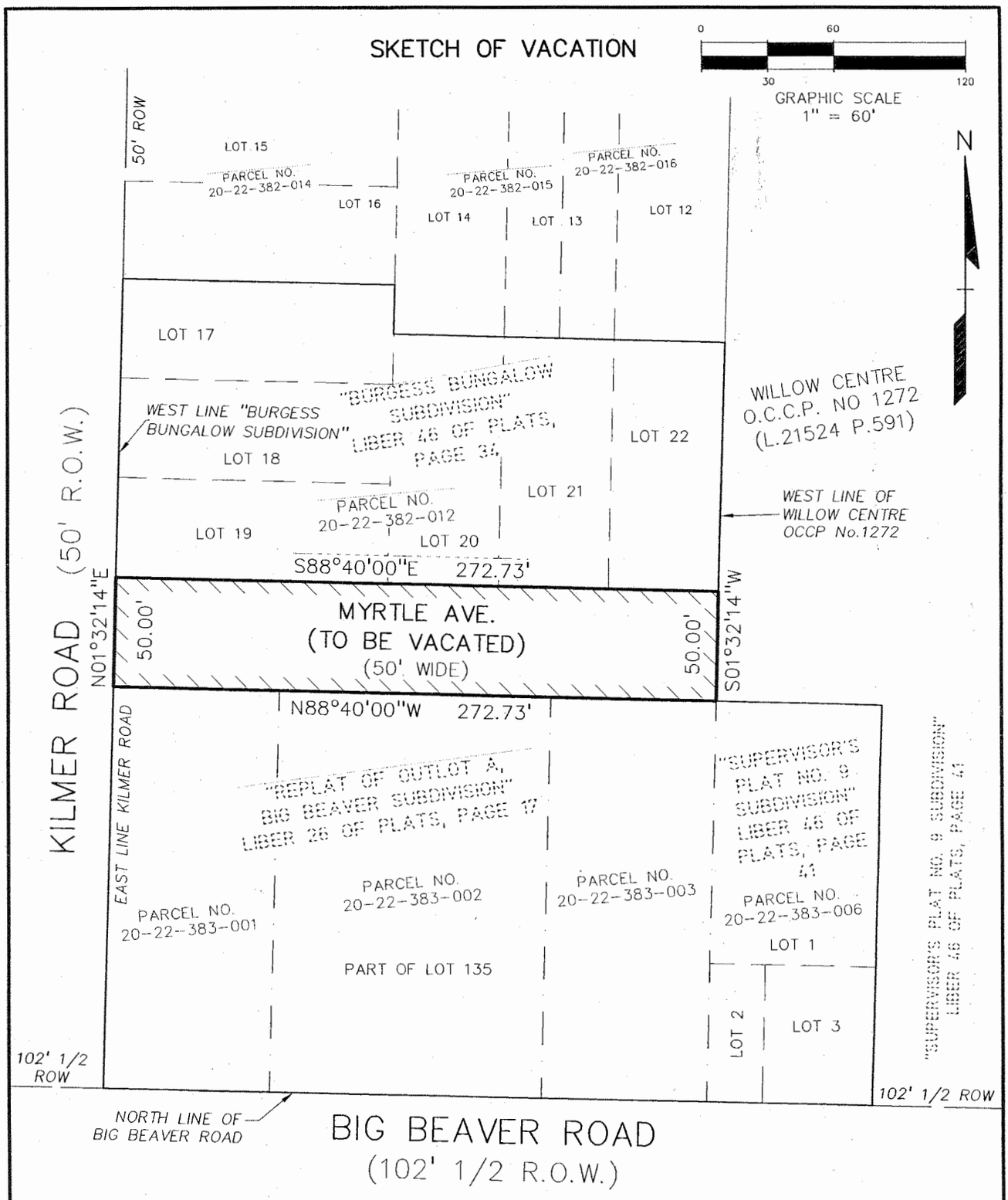
Pontiac, Mich. March 5 1927

Register's Office
Oakland County ss
This instrument was received for record
APR 7 - 1927 at 4 o'clock P M
and recorded in Liber 4 1
of Plats on page 54
Vivian E. Hawkins Register

Approved by the Board of County Auditors of Oakland County, Michigan, this 7 day of March 1927

Chairman
Edward J. Lennon
Fred Bernberger

SKETCH OF VACATION



LEGAL DESCRIPTION

(Myrtle Avenue to be Vacated)

All of Myrtle Avenue (50 feet wide), as platted in "Burgess Bungalow Subdivision" (recorded in Liber 46 of Plats, Page 34, Oakland County Records), lying easterly of the east line of Kilmer Road (50 feet wide) and westerly of the west line of Oakland County Condominium Plan No. 1272, being known as "Willow Centre" (recorded in Liber 21524, Page 591, Oakland County Records).

CLIENT: T.H. MARSH CONSTRUCTION CO. 12725 STARK ROAD LIVONIA, MI., 48150	SCALE: 1"= 60'	JOB No: 2007101	PROFESSIONAL ENGINEERING ASSOCIATES 2430 Rochester Ct. Suite 100 Troy, MI 48083-1872 (248) 689-9090
	DATE: 9-24-08	DWG. No: 1 of 1	

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