CITY COUNCIL REPORT

DATE: June 17, 2009

TO: John Szerlag, Acting City Manager

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

SUBJECT: Announcement of Public Hearing – Street Vacation — Twenty-five Foot (25') Wide Right-of-Way Platted as Part of Supervisor's Plat No. 10, Markton Street, North of Naughton and South of I-75, Abutting 1125 and 1200 Naughton, M-1 (Light Industrial) District, Section 26 (File Number: SV 34-B)

A public hearing is scheduled for the July 20, 2009 City Council meeting. The Planning Commission recommended approval of the street vacation request at the June 9, 2009 Regular meeting. The right-of-way is approximately 200 feet long by 25 feet wide. It dead-ends at I-75 to the north and has never been improved as a public street.

The building at 1125 Naughton fronts on both Naughton and Markton, therefore there are two front yards for the purposes of determining required setbacks. The front yard between Markton Street and the building is required to be kept free of parking as per Section 31.30.00(L) of the Zoning Ordinance. The existing off-street parking spaces on the east side of the building are located within the front yard setback. By vacating Markton Street, the petitioner will eliminate this non-conformity. At the May 12, 2009 Planning Commission meeting, the Planning Commission approved a site plan application for an automotive repair facility, XI Auto Service, at 1125 Naughton, subject to the condition that the applicant shall vacate the Markton Street right-of-way prior to Final Site Plan Approval.

Upon vacation, ownership of the west half of the vacated street will revert to Lot 11 (1125 Naughton) and the east half would revert to Lots 16 and 24 (1200 Naughton) of Supervisor's Plat No. 10. There is a 30-inch storm sewer and overhead utilities within the right of way. Consequently, the City will need to retain a 25-foot wide easement for public and private utilities.

Attachments:
1. Maps.
2. Minutes from the June 9, 2009 Planning Commission Regular meeting (draft).
3. Public comment.

Prepared by RBS/MFM

cc: Applicant
File /SV 34-B

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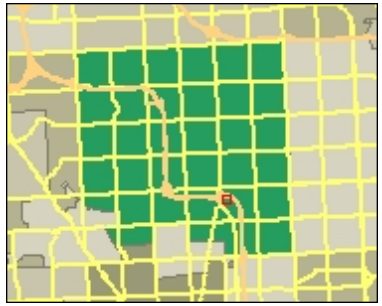


Legend

- I-75
- Road Centerline
  - Major Road
  - Industrial Road
  - Local Road
- Hydrography Poly
- Hydrography Arc
- Parcels
- Aerial Photos - 2008
  - Red: Band_1
  - Green: Band_2
  - Blue: Band_3

1: 929

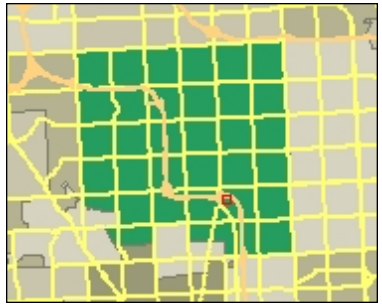
155 0 77 155 Feet

NAD_1983_StatePlane_Michigan_South_FIPS_2113_IntlFeet
City of Troy Geographical Information Systems - Department of Information Technology

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.

Notes

Street Vacation (SV 34-B), Markton Street, North of Naughton and South of I-75, Section 26, M-1 (Light Industrial)



Legend

- I-75
- Road Centerline
  - Major Road
  - Industrial Road
  - Local Road
- Hydrography Poly
- Hydrography Arc
- Parcels
- Aerial Photos - 2008
  - Red: Band_1
  - Green: Band_2
  - Blue: Band_3

1: 743

124 0 62 124 Feet

NAD_1983_StatePlane_Michigan_South_FIPS_2113_IntlFeet
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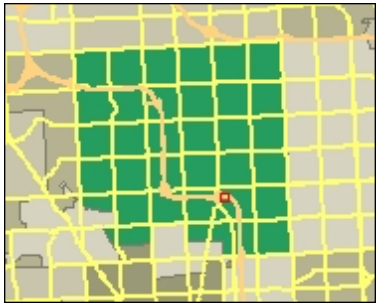
Street Vacation (SV 34-B), Markton Street, North of Naughton and South of I-75, Section 26, M-1 (Light Industrial)



Legend

- I-75
- Road Centerline
  - Major Road
  - Industrial Road
  - Local Road
- Zoning
  - (B-1) Local Business District
  - (B-2) Community Business District
  - (B-3) General Business District
  - (R-C) Research Center District
  - (C-F) Community Facilities District
  - (C-J) Consent Judgment
  - (E-P) Environmental Protection Dis
  - (R-EC) Residential Elder Care
  - (P-1) Vehicular Parking District
  - (H-S) Highway Service District
  - (M-1) Light Industrial District
  - (O-1) Office Building District
  - (O-M) Office Mid-Rise District
  - (OSC) Office Service Commercial D
  - (PUD) Planned Unit Development
  - (CR-1) One Family Residential Clus
  - (R-1A) One Family Residential Dist
  - (R-1B) One Family Residential Dist
  - (R-1C) One Family Residential Dist
  - (R-1D) One Family Residential Dist
  - (R-1E) One Family Residential Dist
  - (R-1T) One Family Attached Reside
  - (R-2) Two Family Residential Distri
  - (R-M) Multiple Family Residential M
  - (RM-1) Multiple Family Residential
  - (RM-2) Multiple Family Residential
  - (RM-3) Multiple Family Residential
- Hydrography Poly
- Hydrography Arc

1: 1,394

232 0 116 232 Feet

NAD_1983_StatePlane_Michigan_South_FIPS_2113_IntlFeet
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Street Vacation (SV 34-B), Markton Street, North of Naughton and South of I-75, Section 26, M-1 (Light Industrial)

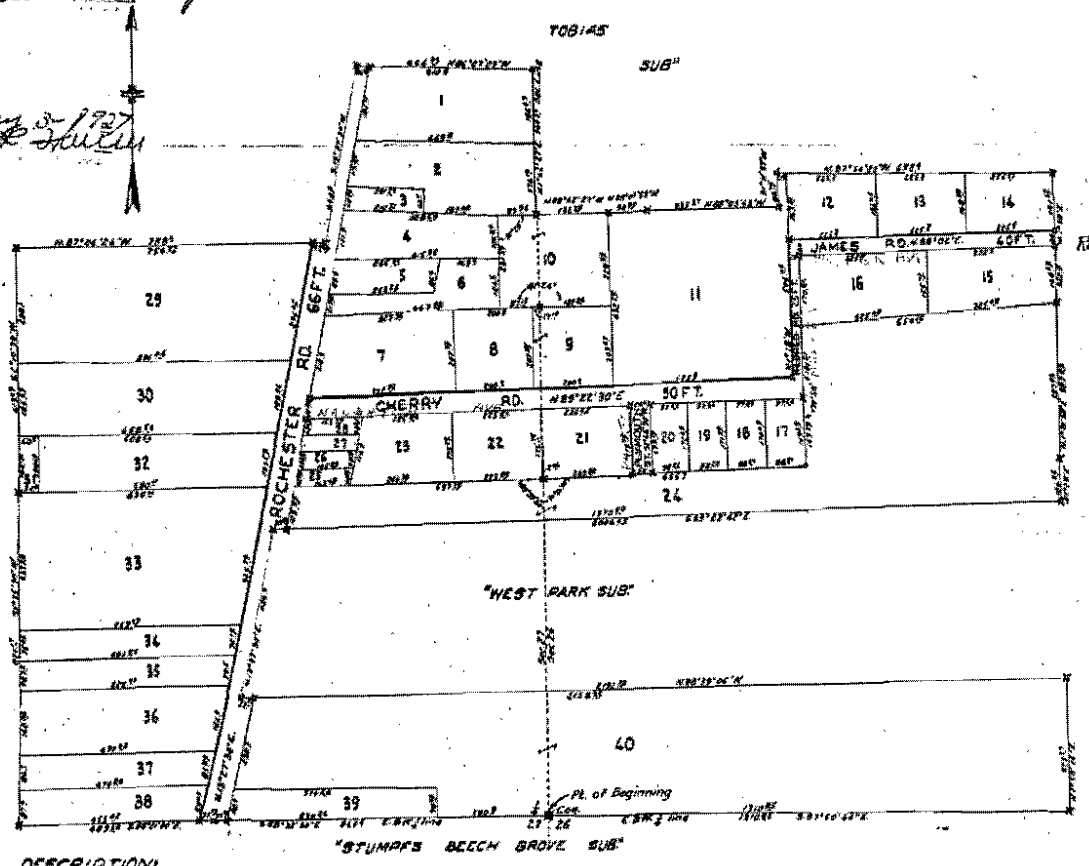
Copy

"SUPERVISORS PLAT No. 10"

A SUBDIVISION OF PART OF N.E. ¼ SEC. 27 AND PART OF N.W. ¼ SEC. 26
T.2N.R11E. TROY TWP. OAKLAND CO. MICH.

SCALE 1 IN. = 200 FT.

All dimensions are shown in feet and decimals thereof.



Approved by the Board of County Auditors of Oakland County, Michigan, this 21 day of April 1927

Chairman

KNOW ALL MEN BY THESE PRESENTS:
That I, Morris Wattles, Supervisor of the Township of Troy Oakland Co. Mich. by virtue of authority in me vested by Section 3350, Compiled Laws of 1915 as amended, having been duly authorized by the Township Board have caused the land embraced in the annexed plat to be surveyed laid out and platted to be known as "Supervisors Plat No 10" a subdivision of part N.E.¼ Sec. 27 and part of N.W.¼ Sec. 26 T.2N.R11E. Troy Twp. Oakland Co. Mich. and that the streets as shown on said plat are hereby dedicated to the use of the public.
Signed and Sealed in Presence of:

Morris Wattles L.S.
Township Supervisor

STATE OF MICHIGAN }
COUNTY OF Oakland }
On this 21 day of April A.D. 1927, before me a Notary Public in and for said County, personally came the above named Morris Wattles, Supervisor of the Township of Troy, known to me to be the person who executed the above dedication and acknowledged the same to be his free act and deed as such supervisor.

Notary Public Oakland Co. Mich.
My commission expires 2-20-1927

SURVEYORS 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 in length 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 intersections of streets, and at the intersections of streets with the boundaries of the plat as shown on said plat.

N. S. McAlpine
Registered Surveyor

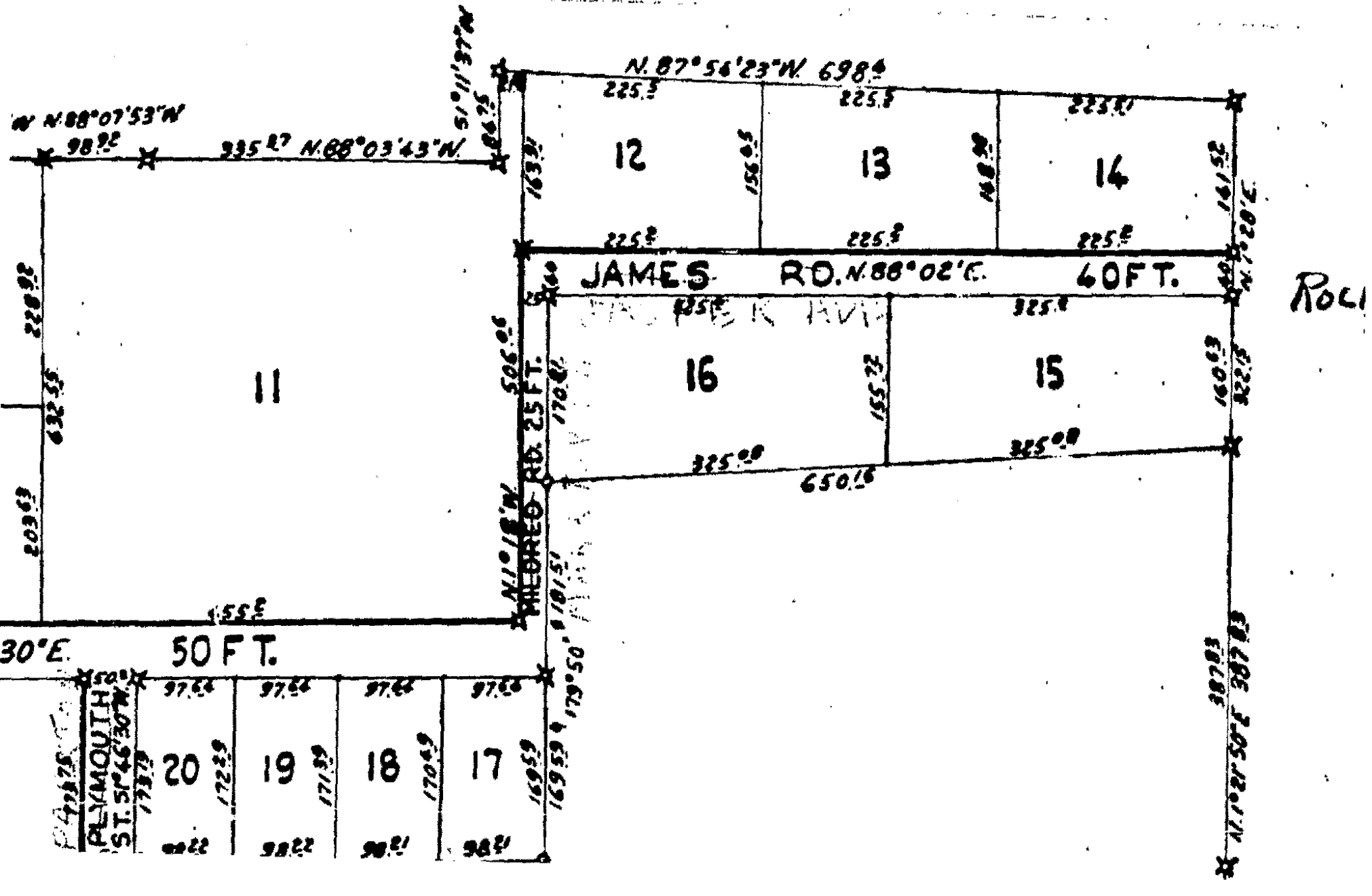
I, Morris Wattles, Township Supervisor of Troy Township Oakland Co. Mich. hereby certify that because of ownership in small parcels of property shown on this plat, ~~and by reason of needs and uses of land for industrial purposes~~ and for other reasons it appears necessary and advisable to make a supervisors plat of same.

Morris Wattles
Township Supervisor

CERTIFICATE OF MUNICIPAL APPROVAL:
This plat was approved by the Township Board of Troy Township Oakland Co. Mich, at a meeting held on the 13 day of April A.D. 1927.

Samuel M. Miller
Township Clerk

DESCRIPTION:
Beginning at the W.¼ cor. Sec. 26 T.2 N.R11E. Troy Twp. Oakland Co. Mich, thence S.87°50'44"E along the E.& W.¼ line of Sec. 26 1310.85 ft. thence N.1°50'16"E. 323.37 ft. thence N.88° 39'06"W. 2192.72 ft. to the center line of Rochester Road thence N.13° 37'30"E. along the center line of Rochester Road 426.82 ft. thence S.89° 22'42"E. 2004.43 ft. thence N.1°23"E. 104.36 ft. thence N.1°21'50"E. 387.83 ft. thence N.1°28"E. 322.16 ft. thence N.87°54'23"W. 698.4 ft. thence S.1°11'37"W. 84.75 ft. thence N.88°03'43"W. 335.37 ft. thence N.88° 07'53"W. 98.92 ft. thence N.88°42'27"W. 182.98 ft. to the West line of Sec. 26 thence N.1°42'27"E. along the West line of Sec. 26 360.57 ft. thence N.86°27'03"W. 444.93 ft. to the center line of Rochester Road thence S.13° 37' 30"W along the center line of Rochester Road 443.82 ft. thence N.87° 06'24"W. 788.8 ft. thence S.2° 10'30"W. 613.83 ft. thence S.1°35'30"W. 82.13 ft. to E.& W.¼ line Sec. 27 thence S.88° 21'30"E. along the E.& W.¼ line Sec. 27 489.85 ft. thence S.88° 33'30"E along said ¼ line 865.8 ft. to point of beginning.


N.87°56'23"W. 698.4
N.88°07'53"W
98.92
935.87 N.88°03'43"W.
11
12
13
14
16
15
JAMES RD. N.88°02'E. 40FT.
MEDRED RD. 25FT.
N1°18'W
650.18
30°E 50 FT.
PLYMOUTH ST.
20
19
18
17
Roc

STREET VACATION

8. PUBLIC HEARING – STREET VACATION REQUEST (SV 34-B) – Markton Street, North of Naughton, South of I-75, Section 26, Zoned M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report on the proposed street vacation. It is the recommendation of City Management to approve the street vacation with a condition that the 25-foot wide easement is retained by the City for public and private utilities.

The petitioner, Dean Fitzpatrick of Fitz Rite Products, 1122 Naughton, Troy, was present.

PUBLIC HEARING OPENED

Joan McCullen of Teal Electric Company, 1200 Naughton, Troy, was present. Ms. McCullen supports the street vacation.

Dean Fitzpatrick, the petitioner, posed questions relating to taxes and costs relating to transfer of ownership.

Chair Schultz directed Mr. Fitzpatrick to the Assessing Department for answers.

PUBLIC HEARING CLOSED

Resolution # PC-2009-06-055
Moved by: Hutson
Seconded by: Edmunds

WHEREAS, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for Markton Street, located north of Naughton, south of I-75, approximately 25 feet wide of right-of-way, abutting Lots 11, 16 and 25 (1125 and 1200 Naughton) of Supervisor's Plat No. 10, Section 26, be approved subject to the following condition:

1. That it retain a 25-foot wide easement for the City for public and private utilities.

Yes: All present (8)
Absent: Vleck

MOTION CARRIED

SV 34-B
Markton Street

Kathy Czarnecki

From: Joan McCullen [joantealelectric@sbcglobal.net]
Sent: Monday, June 01, 2009 4:50 PM
To: Kathy Czarnecki
Subject: BRENT-re PUBLIC HEARING SV-34-B Markton Drive

Brent,
Thank You for explaining the details to me on the proposed vacation of Markton Street that abuts our property at 1200 Naughton Ave and the neighboring property 1125 Naughton. It is my understanding that the owner of 1125 Naughton has interest in improving that property and paving and / or putting grass on his property which may include 1/2 or the 25foot section now known as Markton Street. It is also my understanding that we (the current property owners of 1200 Naughton Ave.) will acquire 1/2 of the property or 12.5 feet at no additional cost to us. I also understand that there is an easement and right of way which would limit most uses of that section of property. We have no objections to this proposed vacation as I have understood the above details.
Sincerely,
Joan McCullen
V.P.
Teal Electric Company