



City of Rochester Hills  
AGENDA SUMMARY  
NON-FINANCIAL ITEMS

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Legislative File No: 2016-0134

**TO:** Mayor and City Council Members

**FROM:** Allan E. Schneck, P.E., Director of Public Services

**DATE:** April 11, 2016

**SUBJECT:** Request to vacate the public portion of S. Castell Avenue and Helmand Road right-of-way between Harding Avenue and approximately 160 feet east of the S. Castell and Helmand intersection.

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**REQUEST:**

City Council is asked to consider vacating the public road portion of S. Castell Avenue south of Harding Road and approximately 160 feet of Helmand Road east of S. Castell Avenue.

**BACKGROUND:**

A proposed residential development, The Sanctuary at River's Edge (SRE), was reviewed and given a Planned Unit Development approval by the City Planning Commission in December 2014. During the course of several meetings, the topic of the use of Helmand and South Castell Avenue was discussed. Engineering Services and the Fire Department were asked to meet and discuss the possibility of changing the public designation of Helmand and S. Castell Avenue to privately-owned to prevent the future traffic from the SRE accessing Harding Road via Helmand and S. Castell Avenue. City staff subsequently met numerous times to review the request in greater detail and it has resulted in the proposed right-of-way vacation request being submitted for City Council consideration.

Cleaton M. Lindsey III, of 368 Helmand Street, George Snow (505 Harding Avenue) and Jeffrey Miller (501 S. Castell Avenue), jointly requested that the City of Rochester Hills vacate a portion of S. Castell Avenue, and a portion of Helmand Street right-of-way. Mr. Lindsey submitted the attached Application and Request for Vacation of Streets, Alleys or Public Grounds dated January 22, 2015. This item gives additional detail on the basis for the request.

The existing public right-of-way for Helmand and S. Castell Avenue is mostly utilized by the three parcels that abut the proposed area to be vacated. Please refer to the attached aerial location drawing. The Sanctuary at River's Edge condominium development is southeast of the proposed vacation area. The entrance will be located at Helmand Street, east of 501 S. Castell Avenue. This development is proposing to build 20 residential unit sites. The three applicants are concerned about the impact of the increased traffic that these homes will generate and that the development could be using an existing substandard roadway.

The three abutting parcels request that the segment of S. Castell Avenue be vacated, with the 25 foot width being split in half. The west one half transferred to 505 Harding Avenue, the northern portion of the east one half transferred to 368 Helmand Street, and southern portion of the east one-half to 501 S. Castell Avenue. The segment of Helmand would be vacated, with the 50 foot

width being split in half. The north one half being transferred to 368 Helmand Street and the south one half transferred to 501 S. Castell Avenue. The City plans to reserve an easement for any and all municipal and public utilities over the entire portion to of vacated public road. The vacated portions of roadway shall be subject to the terms of the private road easement and maintenance agreement signed by the three benefitting property owners and dated March 8, 2016.

***Existing Conditions***

S. Castell Avenue is a substandard dirt road. It is not part of a subdivision plat. The portion of S. Castell Avenue right-of-way proposed for vacation is 25-foot wide, approximately 152 feet long on the west side, 145 feet long on the northern portion of the east side and 25 feet long on the southern portion of the east side.

The Helmand Street right-of-way is a dirt road. It is part of the C.O. Renshaw Addition subdivision plat. The portion of the Helmand Street right-of-way proposed for vacation is 50 foot wide, and 145 feet long on the north and south sides. Both roads are currently being used as travelled throughway between Peach Street and Harding Avenue.

The City owns public water and sanitary sewer utilities within the right-of way limits proposed for vacation. A public easement over the entire vacation limits is recommended to protect the City utility access easements in addition to other utility owners having a vested access interest like DTE Energy.

***Future Uses***

The City has no immediate plans for upgrading the existing S. Castell Avenue and Helmand Street roadway at the requested area of vacation. It should be noted, however, that approval of this right-of-way vacation request would result in approximately 160 feet of Helmand Road and a 130 foot section of Peach Street only being publicly accessible by Peach Street in the City of Rochester.

**RECOMMENDATION:**

The Department of Public Services recommends that City Council tentatively approve the proposed vacation of S. Castell and Helmand Road, per the private road easement and maintenance agreement, dated March 8, 2016, and schedule a public hearing to receive any public comments on the matter at the May 2, 2016 regular city council meeting.

- Attachment(s):    Location Drawing.pdf  
                          Executed Priv Road Agreement 031116.pdf  
                          Applic for Vacation of ROW 012215.pdf  
                          2012 view of Harding and S Castell intersection.jpg  
                          2012 view of S Castell and Helmand Intersection.jpg  
                          2012 view of Helmand east of S Castell.jpg

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
Deputy Clerk		