

CITY OF ROCHESTER HILLS
DEPARTMENT OF PUBLIC SERVICES

AMENDED ENGINEERING REPORT

Date: October 15, 2015

To: Mayor Bryan K. Barnett

Prepared by: Paul M. Davis, P.E., Engineering Services

PMD

Subject: **Request to Vacate the 30' Public Right-of-Way for Dayton Road, immediately East of Sanctuary Blvd. and north of parcel #15-32-480-009**

This report has been amended per the Site Plan for Sanctuary in the Hills East, City File #89-114.2, received September 24, 2015. The plan shows that Lot 98, which abuts the Dayton Road Right-of-Way, has been excluded. The corrected length for the Right-of-Way to be vacated is noted below.

MacLeish Building, Inc., filed an Application and Request for Vacation of Streets, Alleys or Public Grounds (Article IV Sections 94-171--94-178 City Code) with the City of Rochester Hills to vacate a portion of Grant Road right-of-way in the South Boulevard Gardens subdivision. Also included with the vacation request, was a copy of Mr. MacLeish's proposed Sanctuary in the Hills East. During the review, it was noticed that Dayton road was being crossed, therefore the 30' right-of-way vacation request would require vacation in addition to the Grant Road right-of-way vacation request.

The existing public right-of-way is not improved as a throughway, and may have originally been intended to create a north-south roadway for the westerly lots of the South Boulevard Gardens Subdivision Plat. Please refer to the attached aerial drawing from the City Geographic Information System. It is unlikely that the existing Dayton Road right-of-way will be utilized as a north-south roadway connection in the future because Sanctuary Boulevard is adjacent to Dayton and a portion of Dayton's right of way is located in regulated wetland and floodplain.

Mr. MacLeish would like to have a segment of Dayton Road vacated, with the full 30-foot width being transferred to his proposed development, Sanctuary in the Hills East, City File #89-114.2, since it is within the South Blvd. Gardens subdivision plat.

Enclosed for reference is a copy of the South Blvd. Gardens subdivision plat.

EXISTING CONDITIONS:

- Dayton Road was platted and dedicated to the use of the public as a 30-foot wide "half" street in 1929 with the recording of the "South Boulevard Gardens" Subdivision. According to the Plat, the portion of Dayton Road right-of-way proposed for vacation is 30-foot wide and **253.48** feet long.

- The Dayton Road right-of-way is not improved within the **253.48** foot distance and appears to be an unimproved field and woods. As it exists today, it is not being used as a traveled roadway, and is not being maintained by the City.
- The right-of-way in part, is located in regulated wetland and floodplain.
- A sanitary sewer was constructed in the right-of-way in the late 1970's.
- DTE Energy and COMCAST have facilities located within the right-of-way.
- Sanctuary Boulevard was constructed and dedicated as a public road by the developers of the Sanctuary Condominium Development in 2001. It is located west of and adjacent to the Dayton Road right-of-way.

FUTURE USES:

- The City has no immediate plans for improving the existing Dayton Road right-of-way for vehicular traffic at the requested area of vacation.
- An Easement for Public Utilities should be reserved over the entire vacated portion. This will allow the City of Rochester Hills access to the sanitary sewer, and DTE Energy and Comcast access to their respective facilities located within the vacated area. DTE Energy was contacted and this would be an acceptable solution to their original objection on the right-of-way vacation.

If the City Council agrees to approve the public right-of-way vacation request, it is recommended that the approval be conditioned upon reserving a public easement over the entire 30-foot wide portion of Dayton Road to be vacated.

RECOMMENDATION:

- The Assessing Department, Fire Department and City Attorney John Staran, responded with a "No Objection" to the requested vacation.
- The Mayor's Office, Clerk's Office, Planning Department, Building Department, DPS-Traffic Division and DPS Roads Foreman were sent notifications of the vacation request. Responses back have not been received since the requested deadline of August 21, 2015.
- Notices were sent to the State of Michigan Office of Land Survey and the Water Resources Commission, with a requested deadline of August 24, 2015. The Water Resources Commission responded with a "No Objection". A response has not been received from the State of Michigan Office of Land Survey.
- Notices were sent to Consumers Energy, DTE Energy, AT&T, Comcast, WOW, and FiberLink, with a requested deadline of 8/24/15. Response of "No Objection" was received from WOW. DTE Energy and Comcast responded with "Objections", both have facilities located in the right-of-way area to be vacated. The other companies did not respond back.

- The City's attorney, John Staran was contacted regarding the reservation of a public easement over the entire area to be vacated. He confirmed that the easement would cover the needs of the utility companies, while also supporting the future development use.

It is recommended that the City Administration approve the request to vacate the Dayton Road right-of-way immediately east of Sanctuary Boulevard and north of parcel #15-32-480-012, reserving a public easement over the entire portion to be vacated. If approved, this item should be forwarded to City Council for the setting of a public hearing and final decision on the vacation request.

Enclosures: South Boulevard Gardens Subdivision Plat
Revised Aerial Photo of the area with the parcel lines shown.

PMD/AS/jf

c: Allan E. Schneck, P.E., Director of Public Services
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**City of Rochester Hills
Proposed ROW Vacation for
Grant and Dayton Roads**

Revised 10/7/15



Proposed Grant Road
ROW Vacation Area

Proposed Dayton Road
ROW Vacation Area

Sanctuary Blvd

Winding Brook Dr

Section 32