

CITY OF ROCHESTER HILLS  
DEPARTMENT OF PUBLIC SERVICES  
ENGINEERING REPORT

DATE: February 24, 2010

PREPARED BY: Roger P. Moore, P.S.; Engineering Services

SUBJECT: **Request to vacate a section of the right of way for Bendelow Road east along Graham Drive in Section 35, south of Auburn Road and west of John R Road**  
**City File No. E09-072**

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Norman and Doreen Romstad have requested that the City vacate the Rights of Way for that portion of Bendelow Road that was abandoned and the gravel road bed removed when "Country Club Village Condominiums" (CCV) was developed and the road relocated. It is located in Section 35 along the east of Graham Drive, and running south of Auburn Road approximately 300 feet.

**Current Uses/Existing conditions:**

- The portion of Bendelow Road requested to be vacated is irregularly shaped and is approximately 13229 Sq. Ft. (0.30 acre). It is no longer used for public vehicular traffic. It is bounded on the west by Graham Drive, a street located within CCV and a CCV open space area.
- The area to be vacated is to be divided between the two abutting parcels on the east. The northern portion measuring 7,170 Sq. Ft. (0.16 acre) would attach to 820 E. Auburn Road, sidwell #15-35-226-001. The southern portion measuring 6,059 Sq. Ft., (0.14 acre) would attach to 3065 Bendelow Road, sidwell #15-35-226-007, owned by the applicant, Norman and Doreen Romstad.

The Land Division Act 288 of 1967, 560.227a states in part, "1) *Title to any part of the plat vacated by the court's judgment, other than a street or alley, shall vest in the rightful proprietor of that part. Title to a street or alley the full width of which is vacated by the court's judgment shall vest in the rightful proprietors of the lots, within the subdivision covered by the plat, abutting the street or alley.*" Bendelow Road's entire width was platted in "Supervisor's Avon Township Plat No. 7".

- The portion of Bendelow Road requested to be vacated is no longer certified according to Act 51
- There are City utilities, (water and sewer), as well as storm sewer and public utilities in the portion of Bendelow Road requested to be vacated
- The northern parcel has and will still have access from E. Auburn Road in addition to access from Graham Drive. The southern parcel does currently and will continue to access their parcel from the certified portion of Bendelow Road.

**Future Uses:**

The Department of Public Services no longer has any interest or need to improve Bendelow Road for vehicular traffic. We do not foresee future need to again improve this portion of Bendelow Road.

**Objections/No Objections:**

- The Department of Public Services has no objections to the portion of Bendelow Road requested to be vacated, provided that the entire vacated portion be reserved as an easement for sanitary sewer, water, storm sewer, drainage and public utility easement.
- The Department of Public Services did solicit comments from the public utility companies. The only comment received was to request that easements be reserved for public utilities.
- There were no negative responses to the request to vacate.
- “No Objection” responses were received from the Mayor’s Office and the Planning, Building, and Assessing Departments.
- A “No Objection” response was received from John Staran.

**Easement Needs:**

- If vacated, the entire vacated portion of Bendelow Rights of Way should be reserved as an easement for sanitary sewer, water, storm sewer, drainage and public utility easement.

**Recommendation:**

That the City Council:

- Vacate the rights of way for the abandoned portion of Bendelow Road, a part of “Supervisor’s Avon Township Plat #7” in Section 35 as recorded on March 19, 1940, L. 12, P. 59, Oakland County records. Located south of Auburn Road and west of John R Road along east side of Graham Road, located along the east line of Country Club Village Subdivision. Description and Sketch of the proposed Rights of Way vacation is included in this report.
- The title to the vacated rights-of-way vest to the respective proprietors of the lots abutting on the east side.

RPM/BS/jfd

Enclosures: Map depicting the requested right of way vacation with composite parcel/photo of the area.  
Sketch and description of Rights of Way being considered for vacation  
Request for Vacation.  
Area-wide map indicating the location of the subject road right of way.