



Rochester Hills Master Report

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Home Page:
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File Number: 2005-0614

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File Type: Roads

Status: Draft

Version: 1

Reference:

Controlling Body: DPS/Engineering

Requester: DPS/Engineering

Cost:

Introduced: 09/20/2005

File Name: Request to Vacate Right of Way

Final Action:

Title: Request to vacate the north section (adjacent to lot 96 and 97 of South Boulevard Gardens) of the right of way (ROW) of unimproved Dayton Drive, north of South Boulevard.

Notes:

Code Sections:

Agenda Date:

Indexes:

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Agenda Summary.pdf, Application and Request for Vacation.pdf, 20050914 Moore memo.pdf, Proposed Parcel A Split.pdf, Proposed Combination Drawing.pdf, Map.pdf, Map surrounding area.pdf, Ordinance Article IV Section 94-171 to 178.pdf

Enactment Number:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File 2005-0614

..Title

Request to vacate the north section (adjacent to lot 96 and 97 of South Boulevard Gardens) of the right of way (ROW) of unimproved Dayton Drive, north of South Boulevard.

..Body

TWO OPTIONS

Option 1 - Approve request and Set Public Hearing

Whereas, the City Council of the City of Rochester Hills has considered vacating, discontinuing or abolishing the following described street, alley, public ground or part thereof, located in the City of Rochester Hills, and subject to the jurisdiction and control of the City of Rochester Hills:

A part of the land recorded as 30' wide Dayton Road right of way fronting lots 96 and 97 in the South Boulevard Gardens plat, a subdivision of the southeast ¼ of the southeast ¼ of Section 32, T.3N., R.11E., Avon Township, Oakland County, Michigan as recorded in Liber 50, Page 45 of Oakland County records, more particularly described as: From a point 1304.17' along the south line of section 32 west of the southeast section corner of said section; thence N.02o57'W., 1055.69', to the point of beginning; thence N.20o57'E., 253.41; thence N.88o31'E., 30.00'; thence S.02o57E., 253.41'; thence West., 30.00' to the point of beginning, .395 acres.

Now, Therefore, Be It Resolved:

1. That it is hereby deemed advisable to vacate, discontinue or abolish the above-described street, alley, public ground or part thereof, and the City Council hereby declares its intention to do so.
2. That a Public Hearing is hereby scheduled for Wednesday, November 16, 2005, at 7:30 P.M., Michigan Time, at the City of Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, Oakland County, Michigan, for the City Council to hear and consider comments and objections submitted in writing or orally pertaining to the proposed vacation, discontinuance or abolition.
3. That the City Clerk is hereby directed to give notice of the public hearing in the time and manner specified in Section 94-175 of the Code of Ordinances

Option 2 - To Deny Request

Whereas, the City Council of the City of Rochester Hills has considered vacating, discontinuing or abolishing the following described street, alley, public ground or part thereof, located in the City of Rochester Hills, and subject to the jurisdiction and control of the City of Rochester Hills:

A part of the land recorded as 30' wide Dayton Road right of way fronting lots 96 and 97 in the South Boulevard Gardens plat, a subdivision of the southeast ¼ of the southeast ¼ of Section 32, T.3N., R.11E., Avon Township, Oakland County, Michigan as recorded in Liber 50, Page 45 of Oakland County records, more particularly described as: From a point 1304.17' along the south line of section 32 west of the southeast section corner of said section; thence N.02o57'W., 1055.69', to the point of beginning; thence N.20o57'E., 253.41; thence N.88o31'E., 30.00'; thence S.02o57E., 253.41'; thence West., 30.00' to the point of beginning, .395 acres.

Whereas, it is difficult to anticipate what future public uses may be needed, other than the operation and maintenance of existing utilities,

Whereas, the health, welfare, comfort and safety of the people of the City of Rochester Hills has not been found to be a reason to vacate Dayton Road;

Whereas, DTE Energy has objected to the request that this rights of way be vacated;

Now Therefore Be It Resolved, that the Rochester Hills City Council after its review has determined that it is not in the best interest of the City to vacate, discontinue or abolish the north section (adjacent to lot 96 and 97 of South Boulevard Gardens) of the right of way (ROW) of unimproved Dayton Drive, and denies the request for Vacation of Streets, Alleys or Public Grounds submitted by DeYonker Building Co., Inc, dated January 30, 2004

