



**City of Rochester Hills
AGENDA SUMMARY
(Non Purchases)**

**1000 Rochester Hills Dr.
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Legislative File No: 2010-0257

TO: Mayor and City Council Members

FROM: Roger Rousse, Director, Department of Public Services

DATE: May 28, 2010

SUBJECT: Vacated Alida Avenue north of Alsdorf Avenue-public utility easement width correction

REQUEST:

City Council on August 6, 2003, adopted Resolution A0670-2003-R0272 to vacate, discontinue or abolish the Alida Avenue north of Alsdorf Avenue in Section 33. Although the resolution retained the entire 60-foot of vacated Rights-of-Way (ROW) width as a public utility easement the intent was to retain only 20 feet of easement centered on the former centerline of the ROW.

It is requested that Council adopt the attached resolution to supersede and replace prior Resolution A0670-2003-R0272 in order to correct the width of public utility easement being reserved to 20-foot wide.

BACKGROUND:

On July 16, 2003 City Council considered the request and set a Public Hearing date of August 6, 2003 for the vacation of Alida Avenue north of Alsdorf Avenue in the Belle Cone Gardens No. 2 Subdivision. During discussion at the July 16, 2003 meeting Roger Rousse, Director of DPS, stated that: "based on his evaluation of the request, the city would experience no loss by vacating this portion of Alida Avenue. He indicated that a twenty (20) foot easement would be maintained for possible future drainage for water and sewer. He stated that the residents would like to build a new home and this vacation would make that possible under current setbacks and ordinances."

Believing that there was only 20-foot of easement in 2005 a home was constructed on the western 20-feet of the vacated ROW. When the Mr. Bambach, the owner of the eastern side of the vacated ROW applied for a permit to construct a garage in the vacated ROW, it was discovered that the resolution A0670-2003-R0272 recorded at Liber 31222, Page 311, Oakland County Register of Deeds retained the entire 60-foot of vacated ROW for easement. The purpose of this request is to correct the easement width that the City retains to be 20-foot wide.

CONCLUSIONS:

In conclusion, City Council’s adoption and the recording of this resolution will correct the easement width and allow Mr. Bambach to construct his garage.

RECOMMENDATION:

The Department of Public Services recommends that City Council adopt this Resolution to supersede and replace prior Resolution A0670-2003-R0272 and the City Clerk be directed to, within 30 days, record a certified copy of this resolution with the Oakland County Register of Deeds, and to send a copy to the State Treasurer, as required by statute.

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Budget Content: Finance Director		
Purchasing Process: Supervisor of Procurement		
Mayor		
City Council Liaison		