



Rochester Hills

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Master

File Number: 2010-0102

File ID: 2010-0102

Type: Easement

Status: To Council

Version: 3

Reference: 2010-0102

Controlling Body: City Council
Regular Meeting

File Created Date : 02/24/2010

File Name: Request to vacate the portion of Bendelow Road

Final Action:

Title label: Request for Adoption of an Amended Resolution to vacate a portion of Bendelow Road east along Graham Drive in Section 35, south of Auburn Road and west of John R Road

Notes: RES0073-2010 - 3/15/10 Set PH.
RES0085-2010 - 4/12/10

Sponsors:

Enactment Date:

Attachments: 012615 Agenda Summary.pdf, Bendelow Map.pdf, Bendelow exhibits.pdf, 031510 Agenda Summary.pdf, Memo to Clerk.pdf, Engineering Report.pdf, Location map.pdf, Aerial Map.pdf, Legal description and sketch.pdf, Application.pdf, 041210 Public Hearing Notice.pdf, 031510 Resolution.pdf, 041210 Resolution.pdf

Enactment Number:

Contact:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council Regular Meeting	03/15/2010	Adopted by Resolution				Pass
2	City Council Regular Meeting	04/12/2010	Adopted by Resolution				Pass

Text of Legislative File 2010-0102

Title

Request for Adoption of an Amended Resolution to vacate a portion of Bendelow Road east along Graham Drive in Section 35, south of Auburn Road and west of John R Road

Body

Whereas, at its April 12, 2010 regular meeting, after conducting a public hearing in accordance with City Code Chapter 4-10 (which has since been re-codified as Article IV of Chapter 94), the Rochester Hills City Council resolved that the portion of Bendelow Road right-of-way, bounded on the west by Graham Drive, shall be vacated, discontinued or abolished; and

Whereas, according to that resolution and state statute, MCL 560.256, said resolution would be effective upon recording at the Oakland County Register of Deeds within 30 days; and

Whereas, by operation of Michigan law, title to the vacated portion of the road vests in the owners of the abutting lots in the subdivision plat and becomes part of those abutting lots (per Michigan Land Title Standards 6th Ed., Standard 13.4); and

Whereas, upon information and belief, the April 12, 2010 City Council Resolution may not have been recorded, and county and city parcel maps and property descriptions for the abutting lots, 820 E. Auburn and 3065 Bendelow, have not been revised to reflect that part of Bendelow Road has been vacated; and

Whereas, the purpose of this amended resolution is to adopt a new resolution to be recorded at the Register of Deeds and to provide exact legal descriptions of the portion of Bendelow to be vacated and added to the abutting lots.

Now, Therefore, Be It Resolved, that:

1. The parts of Bendelow Road described in attached Exhibit A for P.I.D. 70-15-35-226-001 and Exhibit A for P.I.D. 70-15-35-226-007 are declared to be vacated, discontinued and abolished.
2. The City reserves an easement in the vacated part of Bendelow Road for public utility purposes.
3. The City Clerk is directed to, within thirty (30) days, record a certified copy of this resolution with the Oakland County Register of Deeds and send a copy to the State Treasurer, as required by statute.
4. Upon recording, this resolution shall have the force and effect of vacating, discontinuing and abolishing the described parts of Bendelow Road.