



Rochester Hills Agenda Report

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File Number: 2006-0557

File Number: 2006-0557 **File Type:** Roads **Status:** To Council
Version: 2 **Reference:** **Controlling Body:** City Council
Regular Meeting
Requester: Assessing Department **Cost:** **Introduced:** 07/20/2006
File Name: Rochester Industrial Drive Extension **Final Action:**

Title: Adoption of Resolution Authorizing the use of part of public land (pt of parcel 15-21-276-011) currently known as Fire Station #1, 1111 Horizon Ct.; for the purpose of extending Rochester Industrial Dr. north to a southern boundary of Eaton Property (pt of parcel 15-21-276-010)

Notes: Eaton Corporation
Attn: Denise M. Ritossa
1111 Superior Ave.
Cleveland, OH 44114

Code Sections:

Indexes: Roads

Sponsors:

Attachments: Agenda Summary.pdf, Additional Information.pdf

Agenda Date:

Agenda Number:

Enactment Date:

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 2006-0557

..Title

Adoption of Resolution Authorizing the use of part of public land (pt of parcel 15-21-276-011) currently known as Fire Station #1, 1111 Horizon Ct.; for the purpose of extending Rochester Industrial Dr. north to a southern boundary of Eaton Property (pt of parcel 15-21-276-010)

..Body

Whereas, on April 13, 2004 Eaton Corporation applied for a land division to divide approximately 9.62 acres from the southern portion of parcel #15-21-276-010.

Whereas, the land division was denied for various reasons including the following: The proposed parcel did not front on any road, per City of Rochester Hills Ordinance Article II, Section 122-28 b (5) "Every resultant parcel shall abut a public road, or, if there is not public road, there shall be a private road constructed and approved pursuant to Section 122-31 prior to any division or partition."

Whereas, staff members from the Department of Public Service, Engineering Division; Planning and Development Department; Fire Department and Assessing Department have reviewed the request to convert public property to road right of way in order to accommodate the extension of Rochester Industrial Drive.

Whereas, staff members have developed a list of concerns and issues relating to the request to convert public property to road right of way in order to accommodate the extension of Rochester Industrial Drive and notified Eaton Corporation's Legal Counsel of the same.

Whereas, staff members have met with representatives from the Eaton Corporation and their Legal Counsel to address all concerns and issues of each department.

Whereas, Eaton Corporation and their Legal Counsel have satisfactorily addressed each concern and issue.

Whereas, the extension of Rochester Industrial Drive would enable Eaton Corporation to satisfy the land division requirement that "Every resulting parcel shall abut a public road."

RESOLVED, that the City of Rochester Hills agrees that Eaton Corporation may extend Rochester Industrial Drive, a public road, in the manner depicted in Exhibit A-1, dated February 9, 2005 and A-2, dated October 18, 2006 (as is on file in the Clerk's Office) so as to abut the property described in Exhibit B, dated February 27, 2004 (as is on file in the Clerk's Office); With the following conditions:

- (1) Eaton Corporation shall be responsible for obtaining all necessary governmental permits for all work associated with such extension and furthermore shall be responsible for all costs associated with such extension;
- (2) Upon completion of construction of such extension, and after the City has inspected and approved the same as complying with City standards in terms of quality and manner of construction and a satisfactory survey of the right-of-way has been submitted, the City shall accept such extension as a public road;
- (3) The extension will be completed no later that the date on which a new facility is constructed on the property described in Exhibit B
- (4) If a new facility is developed on the property described in Exhibit B, there shall be no secondary access road connecting to the existing easement road (which easement road is the subject of an Easement Agreement dated as September 8, 1987 and recorded in Liber 10117, Pages 130 *et seq.*, Oakland County Records), unless the City requires a secondary access for fire, security or other reasons, in which event the owner of the property described in Exhibit B will be responsible for erecting and maintaining a gate at such secondary access and shall provide the City's police and fire departments with means of activating such gate in the event of an emergency;
- (5) Within sixty (60) days of the date of this Resolution, Eaton Corporation shall provide an estimate of the costs associated with this road extension, which cost estimate shall be prepared by a

reputable engineer and approved by the City Engineer;

(6) Within thirty (30) days after approval of the cost estimate for the road extension, Eaton Corporation shall post a bond or other security acceptable to the City in the amount of such cost estimate;

(7) In connection with the construction of a new facility on the property described in Exhibit B, the owner of such property shall offer to dedicate the existing sewer line on such property to the City as a public sewer and to grant an appropriate easement associated therewith;

(8) If the City determines that it will accept the existing sewer line as a public sewer, sewer service for a new facility constructed on the property described in Exhibit B will be achieved by tapping into the existing sewer line on such property;

(9) If the City determines to not accept the existing sewer line as a public sewer, sewer service for a new facility will be achieved by tapping into the existing public sewer in Rochester Industrial Drive and extending a private lead at the sole expense of the owner of the property described in Exhibit B, and such owner shall grant an easement for such sewer line in favor of the owner of the adjacent property at 1400 South Livernois;

(10) In connection with the construction of a new facility on the property described in Exhibit B, the owner of such property shall dedicate the existing water line as a public water line and grant an appropriate easement associated therewith;

(11) Eaton Corporation or their agent, heirs and assigns shall be required to obtain site plan approval as required by the Zoning Ordinance and that the approval of the Resolution authorizing the extension of Rochester Industrial Drive shall not be construed to imply any vesting of right to any size, shape and placement of any structure; and

(12) Eaton Corp etal shall meet all appropriate City ordinances and development standards unless the appropriate Board or Commission grants a variance. This shall include all ordinances and regulations, including but not limited to: Tree Ordinance, Wetland Ordinance and regulations, Zoning Ordinances, Fire Codes, Building Codes, etc.