



**City of Rochester Hills  
AGENDA SUMMARY  
NON-FINANCIAL ITEMS**

**1000 Rochester Hills Dr.  
Rochester Hills, MI 48309  
248.656.4630  
[www.rochesterhills.org](http://www.rochesterhills.org)**

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**Legislative File No: 2005-0614**

**TO:** Mayor and City Council Members

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**FROM:** Roger H. Rousse, Department of Public Service, 248.656.4640

**DATE:** September 20, 2005

**SUBJECT:** Request to vacate the ROW of Dayton Road by DeYonker Building Company, Inc.

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**REQUEST:**

The DeYonker Building Company has requested the City of Rochester Hills 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.

**BACKGROUND:**

Dayton Road was platted and dedicated to the public as a 30-foot wide "half" street in 1929 with the recording of the "South Boulevard Gardens" Subdivision. The road has not been improved or opened as a street. The right of way, in part, is located in regulated wetland and floodplain. A sanitary sewer was constructed in the ROW in the late 1970s. DTE Energy has facilities located within the ROW. Sanctuary Boulevard was constructed and dedicated as a public road by the developers of the Sanctuary Condominium Development in 2001. It is located west of and adjacent to the Dayton Road ROW. The City of Rochester Hills owns the adjacent lots to the south of the applicant's lots.

The applicant owns Lots 94, 95, 96, and 95 adjacent to the Dayton Road rights of way. The applicant has proposed that if vacated, the 30-foot piece of property would be combined with the lots and partitioned into three building sites. Due to the floodplain and wetland, the lots as platted would be difficult to develop. The additional 30 feet provides additional land to meet setback requirements so homes can be constructed in front of the wetland.

**RECOMMENDATION:**

It is difficult to anticipate what future public uses may be needed, other than that of the operation and maintenance of the existing utilities. It is also difficult to state that it is necessary for the health, welfare, comfort and safety of the people of the City to vacate Dayton Road.

The Department of Public Service provided copies of the requested vacation to City Departments and public utility companies. DTE Energy objected to the request that the rights of way be vacated. If vacated, the entire 30 feet should be encumbered as a public utility easement. There were no other negative responses to the request to vacate.

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**RESOLUTION**

**NEXT AGENDA ITEM**

**RETURN TO AGENDA**

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APPROVALS:	SIGNATURE	DATE
Department Review	<i>AW</i>	9/26/05
Department Director	<i>Fogus A. Poulos</i>	9/26/05
Mayor		
City Council Liaison		

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