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CITY OF ROCHESTER HILLS

**P**ublic  
Services

*Roger P. Moore, P.S.*

DATE: September 20, 2005

RE: **Request to Vacate the ROW  
of Dayton Road  
DeYonker Construction  
Section 32, Part of Parcels  
15-32-476-001, -002, -005 & - 006**

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DeYonker Building Company has requested the City of Rochester Hills to vacate the north section (adjacent to lot 96 and lot 97 of South Boulevard Gardens) of the right of way of unimproved Dayton Drive, north of South Boulevard.

The City of Rochester Hill's code states:

**Sec. 94-172:** As it is occasionally necessary for the health, welfare, comfort and safety of the people of the city to vacate, discontinue or abolish an existing street, alley, public ground, or part thereof.

**Sec. 94-173 (b):** Upon receipt of an application for vacation, the department of public service shall review the application and shall submit the application to the city council with any objections the department may have to such vacation. If there is any current or possible future use of the area proposed to be vacated for utilities, access or similar purposes, the department shall report any easements that should be retained by the city in the street, alley, public ground, or part thereof in case of vacation.

Current uses and conditions of the Dayton Road Rights of Way:

1. Dayton Road was platted and dedicated to the use of the public as a 30-foot wide "half" street in 1929 with the recording of the "South Boulevard Gardens" Subdivision.
2. The road has not been improved or opened as a street.
3. The right of way, in part, is located in regulated wetland and floodplain.
4. A sanitary sewer was constructed in the right of way in the late 1970s.
5. DTE Energy has facilities located within the right of way.
6. 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 right of Way.
7. The City of Rochester Hills owns the adjacent lots to the south of the applicant's lots.

Possible future use of the Dayton Road Rights of Way:

1. Operations, maintenance and repair or replacement of the City's sanitary sewer.
2. Operations, maintenance and repair or replacement of existing Public Utilities
3. Possible future public utilities, including but not limited to, storm water, communication, gas or power.

It is difficult to anticipate what future public uses may be needed, other than 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 applicant owns Lots 94, 95, 96 and 97 adjacent to the Dayton Road rights of way. It is 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.

The Department of Public Services 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.

I have also included for your use and review, the following information:

- 1. Map depicting the requested right of way vacation with composite parcel/photo of the area.**
- 2. Application and Request for Vacation.**
- 3. Area-wide map indicating the location of the subject road right of way.**
- 4. The applicant's proposed development plan depicting wetland and proposed home sites.**

RPM/jfd

Enclosures: As outlined above

c: Pat Somerville, Mayor  
Jane Leslie, City Clerk  
Roger Rousse, Director; DPS  
Paul Davis, P.E., City Engineer  
File: 15-03-426-001, -002, -005 & -006

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