



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: July 7, 2021



To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager
R. Brent Savidant, Community Development Director

Subject: PUBLIC HEARING – STREET VACATION REQUEST (SV2020-001) – Public walkway east of John R and north of Big Beaver, Abutting 3512 Euclid on the north and 3506 Euclid on the south, Section 24, Currently Zoned R-1C (One Family Residential) District (abutting properties)

The applicants Charles and Rebecca Snell (3512 Euclid) and Theresa Brown (3506 Euclid) seek to vacate the public walkway located between their properties. The platted public walkway is 15 feet wide and approximately 125 feet in length. The applicants propose to vacate the public walkway in its entirety.

The public walkway was provided on the site plan when Beaver Creek Subdivision was platted in 1992. The pathway was never constructed. At the time, the property to the east was undeveloped. Preliminary Site Plan Approval was granted for Tuscany Estates Site Condominium on April 10, 2012 and the 11-unit project has been constructed. A detention basin was constructed to the east of the platted pathway but a pathway was not provided in the abutting development. The existing public walkway has become unnecessary.

The Planning Commission held a public hearing on this item on April 13, 2021 and recommended approval of the rezoning by a 9-0 vote.

A City Council public hearing has been scheduled for July 12, 2021.

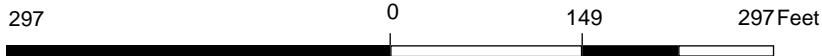
Attachments:

1. Maps.
2. Agenda item from April 13, 2021 Planning Commission Regular meeting.
3. Minutes from April 13, 2021 Planning Commission Regular meeting (excerpt).

G:\STREET VACATION\SV 192 JPLN2020-001 3512 EUCLID\20210712 CC Memo_Public Hearing.docx



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

DATE: March 31, 2021

TO: Planning Commission

FROM: R. Brent Savidant, Community Development Director

SUBJECT: PUBLIC HEARING - STREET VACATION REQUEST (SV2020-001) – Public walkway east of John R and north of Big Beaver, Abutting 3512 Euclid on the north and 3506 Euclid on the south, Section 24, Currently Zoned R-1C (One Family Residential) District (abutting properties)

GENERAL INFORMATION

Name of applicant(s):

The applicants are Charles and Rebecca Snell of 3512 Euclid and Theresa Brown of 3506 Euclid.

History of Right of Way:

Beaver Creek Subdivision was platted in 1992. There was a 15-foot wide public walkway provided between 3512 Euclid and 3506 Euclid. The pathway was never constructed. At the time, the property to the east was undeveloped. Preliminary Site Plan Approval was granted for Tuscany Estates Site Condominium on April 10, 2012 and the 11-unit project has been constructed. A detention basin was constructed to the east of the platted pathway but a pathway was not provided in the abutting development. The existing public walkway has become unnecessary.

Length and width of right of way.

The platted public walkway is 15 feet wide and approximately 125 feet in length. The applicants propose to vacate the public walkway in its entirety.

ANALYSIS

Reason for street vacation (as stated on the Street/Alley Vacation Application):

The application states the following: "Access to detention pond is available via Sienna and access from Euclid is no longer needed"

Impact on access to existing lots or buildings (including emergency service vehicles):

Access to abutting properties will not be affected by vacation of this portion of the alley.

Impact on Utilities

There is a 12-inch underground sanitary sewer line within the platted pathway, as well as a 24-inch underground stormwater line within an easement just to the north of the platted pathway. Easements must be maintained for underground utilities. Furthermore, no buildings or structures may be constructed within these easements.

Future Land Use Designation:

The area is designated on the Future Land Use Plan as Single Family Residential.

PLANNING DEPARTMENT RECOMMENDATION

The Planning Department recommends approval of the street vacation request as submitted, subject to the following:

1. City shall retain an easement for underground utilities.
2. No structures or buildings shall be constructed within the easement.

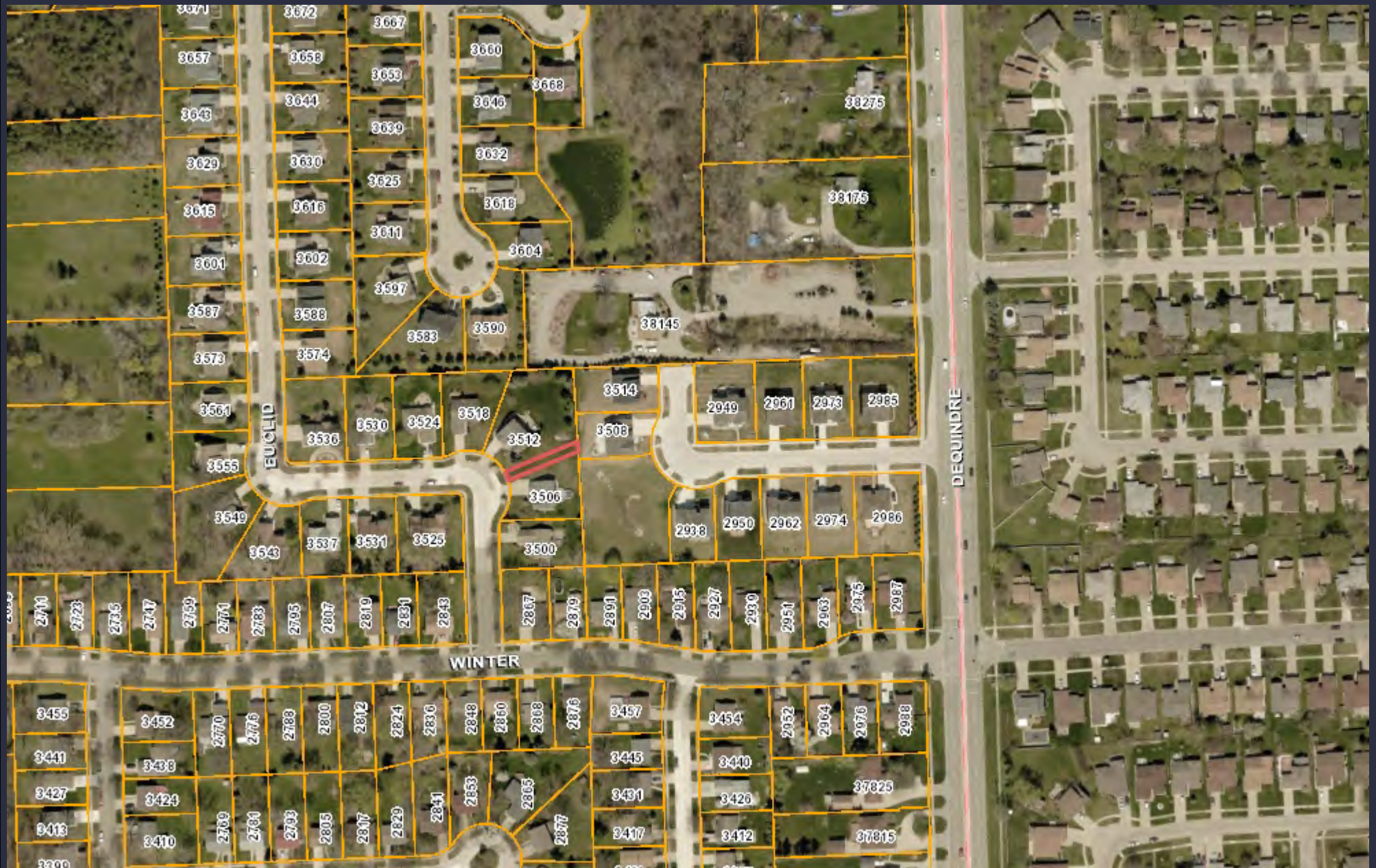
Attachments:

1. Maps
2. Plat drawing of Beaver Creek Subdivision
3. Application
4. Letter of support

G:\STREET VACATION\SV2020-001 3512 EUCLID\SV 192 PC Memo.doc



GIS Online



595 0 297 595 Feet



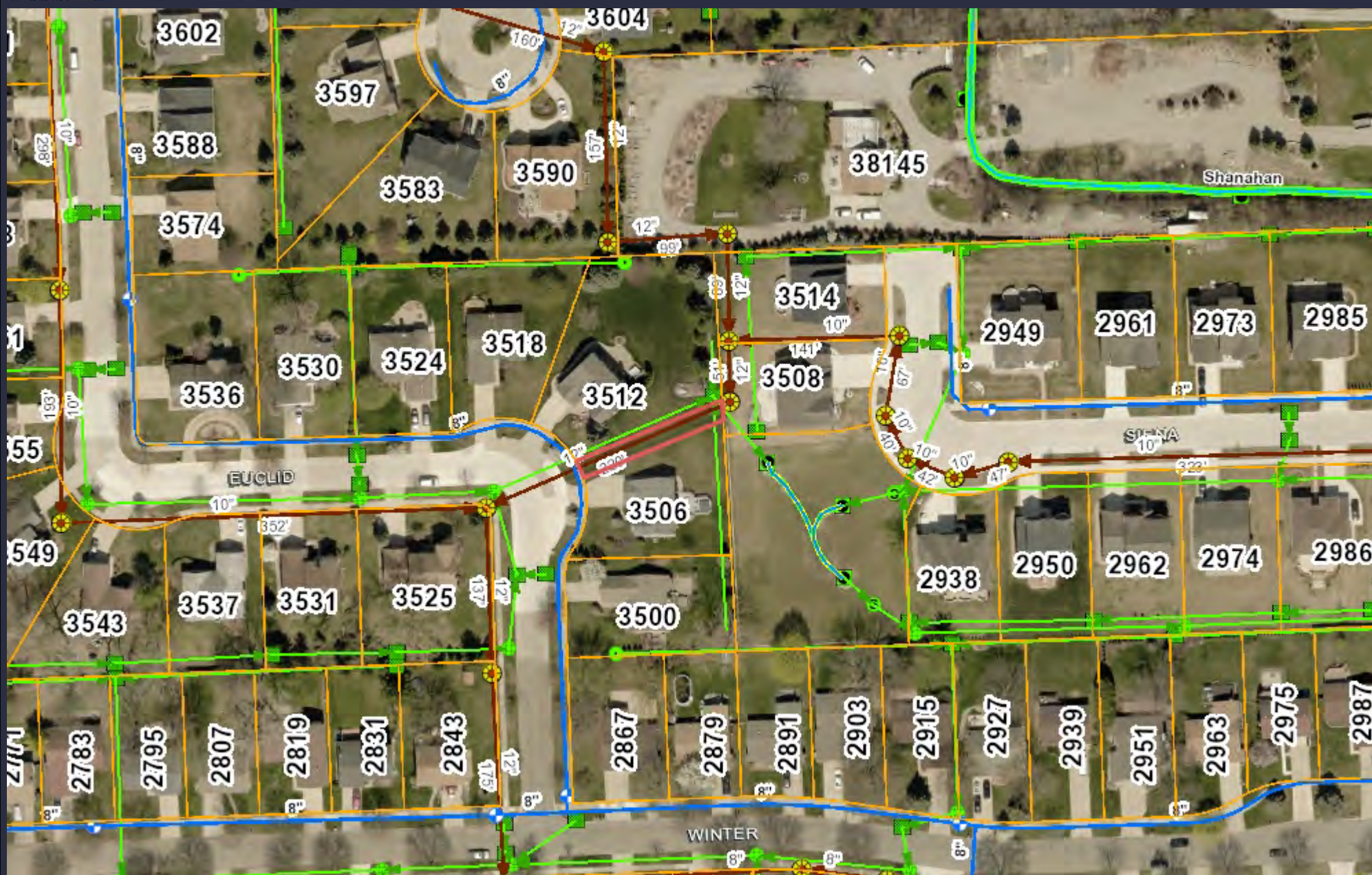
Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



297 0 149 297 Feet



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



297 0 149 297Feet



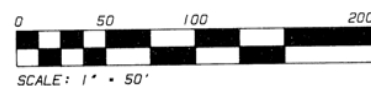
Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

[illegible]

UNPLATED



THIS PLAT IS SUBJECT TO RESTRICTIONS
AS REQUIRED BY ACT 288, P.A. 1967, AS
AMENDED ON CERTAIN LOTS WITH
RESPECT TO THE REQUIREMENTS OF
THE MICHIGAN DEPARTMENT OF PUBLIC
HEALTH AND/OR THE MICHIGAN DEPT.
OF NATURAL RESOURCES, WHICH ARE
RECORDED IN LIBER 334,
PAGES 24-25 OF RECORDS IN
THIS COUNTY.



ALL DIMENSIONS ARE GIVEN IN FEET.
ALL CURVILINEAR DIMENSIONS ARE GIVEN ALONG THE ARC.
THE SYMBOL 'O' REPRESENTS THE LOCATION POINTS OF
PERMANENT CONCRETE MONUMENTS.
MONUMENTS ARE 36" - 1/2" STEEL RODS INCASED IN 4"
CONCRETE CYLINDERS.
LOT MARKERS ARE 1/2" STEEL RODS AND ARE 18" LONG.
ALL BEARINGS ARE IN RELATION TO THE BEARING OF
" BEAVER TRAIL SUBDIVISION NO. 2 " AS RECORDED
IN LIBER 134 PAGES 20 THRU 23 OF M.C.R.
(R) - DENOTES RADIAL.
(NR) - DENOTES NON-RADIAL.


CURVE	DELTA ANGLE	RADIUS	ARC	CHORD	CHORD BEARING
1	25° 50' 31"	30.00	13.53	13.42	S 76° 48' 59" W
2	142° 14' 52"	70.00	173.79	132.47	N 44° 58' 51" W
3	25° 50' 31"	30.00	13.53	13.42	N 13° 13' 19" E
4	25° 50' 31"	30.00	13.53	13.42	N 76° 48' 59" E
5	153° 16' 33"	70.00	187.26	136.21	S 39° 28' 01" E
6	36° 52' 12"	30.00	19.31	18.97	S 18° 44' 10" W
7	90° 33' 50"	10.00	15.81	14.21	N 44° 58' 51" W
8	90° 33' 50"	10.00	15.81	14.21	S 44° 58' 51" E

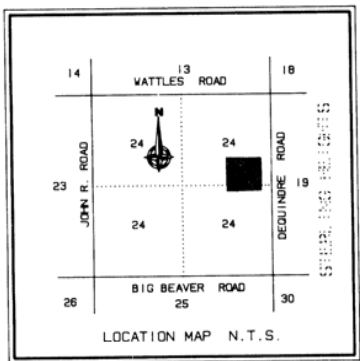
GERALD J. LANEHR, SURVEYOR, CERTIFY: THAT I HAVE SURVEYED, DIVIDED AND MAPPED THE LAND SHOWN ON THIS PLAT DESCRIBED AS FOLLOWS:
" BEAVER CREEK SUBDIVISION " PART OF THE N.E. 1/4 & S.E. 1/4 OF SECTION 24, T.2N., R.1E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST-EST 1/4 LINE OF SAID SECTION 24, S. 82° 48' FEET " N 89° 22' 00" W. OF THE EAST 1/4 CORNER OF SAID SECTION 24; THENCE EXTENDING S. 01° 11' 59" W. 8.56 FEET " TO A POINT ON THE NORTH LINE OF " BEAVER TRAIL SUBDIVISION, NO. 2 " AS RECORDED IN LIBER 134 OF PLATS PAGES 20 THRU 23 OF THE OAKLAND COUNTY RECORDS; THENCE ALONG THE BOUNDARY OF " BEAVER TRAIL SUBDIVISION NO. 2 " S. 89° 44' 14" W. 680.91 FEET, THENCE N. 00° 22' 03" E. 120.00 FEET TO THE SOUTHEAST CORNER OF EYSTERS DEQUINDRE FARMS SUBDIVISION NO. 5 " AS RECORDED IN LIBER 55 OF PLATS PAGE 58 OF THE OAKLAND COUNTY RECORDS; THENCE ALONG THE BOUNDARY OF SAID " EYSTERS DEQUINDRE FARMS SUBDIVISION NO. 5 " N. 00° 18' 04" E. 310.80 FEET, THENCE N. 89° 44' 14" E. 672.24 FEET, THENCE S. 01° 11' 59" E. 321.47 FEET TO THE POINT OF BEGINNING. CONTAINING 14 LOTS NUMBERED 1 THRU 14 INCLUSIVE IN 5.125 ACRES OF LAND.

THAT SUCH PLAT IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE SUBDIVISION OF IT.

THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY SECTION 126 OF THE ACT.

THAT THE BEARINGS SHOWN ON THE PLAT ARE EXPRESSED AS REQUIRED
BY SECTION 126, (3) OF THE ACT AND AS EXPLAINED IN THE
LEGEND.

LANDWEHR AND ASSOCIATES
30050 MOULIN
WARREN, MICHIGAN 48093

GERALD J. LANDWEHR R.L.S. NO. 10065
PRINCIPAL:



CITY OF TROY STREET / ALLEY VACATION APPLICATION

COPY

CITY OF TROY PLANNING DEPARTMENT
500 W. BIG BEAVER
TROY, MICHIGAN 48064
248-524-3364
E-MAIL: planning@troymi.gov



VACATION APPLICATION FEE
\$500.00

ESCROW FEE
\$1,500.00

REGULAR MEETINGS OF THE CITY PLANNING COMMISSION ARE HELD ON THE SECOND AND FOURTH TUESDAYS OF EACH MONTH AT 7:00 P.M. AT CITY HALL.

PLEASE COMPLETE AND FILE **TWO (2) SIGNED** ORIGINAL APPLICATIONS, TOGETHER WITH THE APPROPRIATE FEE, NOT LESS THAN THIRTY (30) DAYS PRIOR TO THE DATE OF THAT MEETING.

TO THE CITY COUNCIL:

I (WE), THE UNDERSIGNED, DO HEREBY RESPECTFULLY PETITION AND MAKE APPLICATION TO THE TROY CITY COUNCIL FOR VACATION OF THE RIGHT-OF-WAY OR EASEMENT WHICH IS DESCRIBED AS FOLLOWS:

Easement/ROW between 3512 Euclid (20-24-276-005) and 3506 Euclid (20-24-278-001).

APPLICANT(S) FOR VACATION:

NAME Charles Snell / Rebecca Snell

NAME Theresa Brown

COMPANY _____

COMPANY _____

ADDRESS 3512 Euclid

ADDRESS 3506 Euclid Dr

CITY Troy STATE MI ZIP 48063

CITY Troy STATE MI ZIP 48063

TELEPHONE 248.854.6590

TELEPHONE (248) 619-9250

E-MAIL charles.A.snell@gmail.com

E-MAIL theresa.brown2@sbcglobal.net

ADDRESS(S) AND/OR PARCEL NUMBER(S) OF PROPERTY OWNED BY APPLICANT(S) WHICH ABUTS OR INCLUDES THE AREA FOR WHICH VACATION IS REQUESTED:

88-20-24-276-005 / 88-20-24-278-001

THIS REQUEST FOR VACATION IS MADE FOR THE FOLLOWING REASON(S): Access to detention

pond is available via Siena and access from Euclid is no longer
Attach additional informational pages if necessary. needed.

ATTACH A MAP INDICATING THE AREA FOR WHICH VACATION IS REQUESTED, THE LOCATION OF THE APPLICANT(S) PROPERTY AND OTHER ABUTTING PROPERTIES. (1"=200' minimum scale)

SIGNATURE OF APPLICANT(S):

Charles Snell / Rebecca Snell

DATE 9-23-20

Theresa Brown

DATE 9/25/2020



3/28/2021

RECEIVED

APR 01 2021

PLANNING

RECEIVED

APR 01 2021

PLANNING

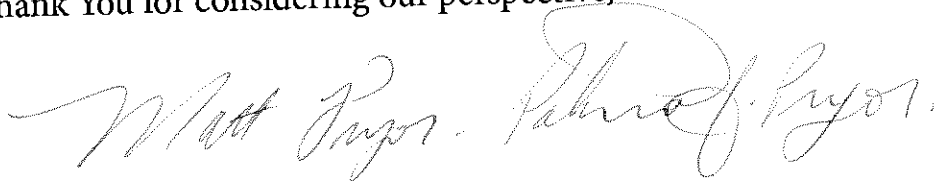
To the members of the Troy Planning Commission,

My wife, Patti and I have no objection to the vacation of the easement between 3512 and 3506 Euclid.

It is not necessary to provide either a fire route or an access point for maintaining the drainage basin at its eastern end. Furthermore it serves no legitimate use as a public walkway as at its eastern end people would be encouraged to trespass on either private property or a dry reservoir which is not an appropriate place to walk around: wet or dry.

As a right of way this property represents both a cost and potential liability without conferring a tangible benefit to the citizens of Troy.

Thank You for considering our perspective,



Matt and Patti Pryor
38145 Dequindre (2 lots SE of the right of way)
Troy, Mi 48083
(248)709-0383

PS Your Public Notice states this location as being west of John R. I am assuming you are referring the houses at 3512 and 3506 Euclid west of Dequindre (therefore east of John R).

STREET VACATION

8. **PUBLIC HEARING - STREET VACATION REQUEST (File Number SV2020-001)**
– Public walkway East of John R and North of Big Beaver, Abutting 3512 Euclid on the North and 3506 Euclid on the South, Section 24, Currently Zoned R-1C (One Family Residential) District (abutting properties)

Mr. Savidant reviewed the street vacation application and referenced aerial photos within the agenda packet. He explained why the existing public walkway has become unnecessary between 3512 Euclid and 3506 Euclid, and access to the detention area is available via Sienna.

Mr. Savidant said the Planning Department recommends approval of the street vacation request as submitted with conditions that the City shall retain an easement for underground utilities and no structures or buildings shall be constructed within the easement.

Applicant Charles Snell was present. Mr. Snell asked the Board's support in granting the street vacation. He said there is frequent pedestrian traffic along the pathway and *Private Property, No Trespassing* signs are in place to mitigate the nuisance.

After a brief discussion and a show of hands, it was the consensus of the Board to act upon the street vacation request this evening.

PUBLIC HEARING OPENED

Mr. Savidant reported the following email message was received and provided to Board members in their agenda packet.

- Matt and Patti Pryor, 38145 Dequindre; in support.

Ms. Ferencz reported no voicemail messages were received.

PUBLIC HEARING CLOSED

Resolution # PC-2021-04-025

Moved by: Rauch
Support by: Lambert

RESOLVED, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for a public walkway located west of John R and north of Big Beaver, approximately 15 feet wide by 125 feet in length, abutting lots 12 and 13 of Beaver Creek Subdivision, Section 24, be approved, subject to the following:

1. An easement shall be maintained for underground utilities.

2. No buildings or structures may be constructed over the easements.

Yes: All present (9)

MOTION CARRIED