

CITY COUNCIL AGENDA ITEM

Date: August 28, 2024

To: Robert J. Bruner, Acting City Manager

From: Megan E. Schubert, Assistant City Manager

R. Brent Savidant, Community Development Director

Subject: PUBLIC HEARING – STREET VACATION REQUEST (SV JPLN 2024-0002) – Request

to vacate a portion of a right of way, approximately 30-feet wide by 263.2-feet long, West of Rochester, between Lovell and Hannah, Abutting 801 Hannah (PIN 88-20-03-

276-001), Platted as part of Clark Estates Subdivision, in Section 3.

The applicant Olimpiu Apahidean seeks vacation of a 30-foot wide section of City right of way abutting 801 Hannah to the west. There is an 8-inch water line located within the right of way. If vacated, the City would need to retain an easement so that the water line can be maintained. Comments generated by internal review do not support the vacation of the right of way.

The attached report prepared for the July 9, 2024 Planning Commission Regular meeting summarizes the application.

City Council is the approval body for street vacation requests, following a Planning Commission recommendation. The Planning Commission held a public hearing on this item on July 9, 2024 and recommended denial of the request by a vote of 7-1.

A public hearing is scheduled for this item on September 16, 2024.

Attachments:

- 1. Report prepared for July 9, 2024 Planning Commission meeting (with attachments)
- 2. Minutes from July 9, 2024 Planning Commission Regular meeting (excerpt)
- 3. Public comment submitted after July 5, 2024

DATE: July 1, 2024

TO: Planning Commission

FROM: R. Brent Savidant, Community Development Director

SUBJECT: PUBLIC HEARING - STREET VACATION REQUEST (SV JPLN2024-0002) -

Request to vacate a portion of a right of way, approximately 30-feet wide by 263.2-feet long, West of Rochester, between Lovell and Hannah, Abutting 801 Hannah (PIN 88-20-03-276-001), Platted as part of Clark Estates Subdivision, in

Section 3.

GENERAL INFORMATION

Name of applicant(s):

The applicant is Olimpiu Apahidean.

<u>History of Right of Way:</u>

The right of way to the west of 801 Hannah has never been improved. The eastern portion of the right of way is 30 feet wide and was platted in 1954 as part of Clark Estates Subdivision. 801 Hannah is Lot 65. Lot 65 was platted with a 30-foot easement for road purposes along the western boundary of the parcel. In 1958, a Quit Claim Deed conveyed the 30-foot easement to the City, and it became public right of way. The western portion of the right of way was platted in 1925 as part of Bassett & Smith Flowing Springs Acres Subdivision. This portion of the right of way varies in width from 25 feet to 30 feet.

Length and width of right of way:

The right of way is 30 feet wide and approximately 263.2 feet in length. The applicant proposes to vacate the portion of the right of way that lies entirely within Clark Estates Subdivision. The western portion of the right of way (within the Bassett & Smith Flowing Springs Acres Subdivision) would remain.

ANALYSIS

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

The application includes a narrative that lists thirteen (13) reasons for vacation.

The application does not mention whether the applicant intends to split the parcel if the vacation is approved. Presently, the parcel is 100' by 263.2', or 26,320 square feet. The minimum required lot area in R-1B is 15,000 square feet. The parcel cannot be split today since it does not meet minimum square footage requirements. If the vacation were to be approved, the lot width would increase to 130' and the lot area would increase to 34,216 square feet. Therefore, the applicant could create two parcels if desired.

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

If the right of way were to be vacated, easements would need to be retained so that access is not impacted.

There is intact right of way between Lovell and Quill Creek, a distance of over one third of a mile. Public comments indicate this area is used by children walking to school and for passive recreation. Vacating this portion of right of way could have the effect of encouraging more vacation requests. Once the intact right of way is broken, the opportunity for a public amenity within the right of way is gone.

Impact on Utilities:

There is an 8-inch water line within the right of way. Comments generated by internal review do not support street vacation:

Engineering Department Comments: "City owned utilities should remain in the rights of way whenever possible. The right of way was obtained for the installation of the watermain. No apparent benefit in changing to a road easement".

Streets Comments: City owned utilities should remain in the rights of way whenever possible. The right of way was obtained for the installation of the watermain. I fail to see the community benefit to change the right of way to an easement. There are no concerns from DPW about maintaining the current right of way".

Traffic Engineer Comments: "Road right of way preferred for any potential projects and existing utilities".

Water & Sewer Comments: "City owned utilities should remain in the rights of way whenever possible. The right of way was obtained for the installation of the watermain and future maintenance".

Future Land Use Designation:

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

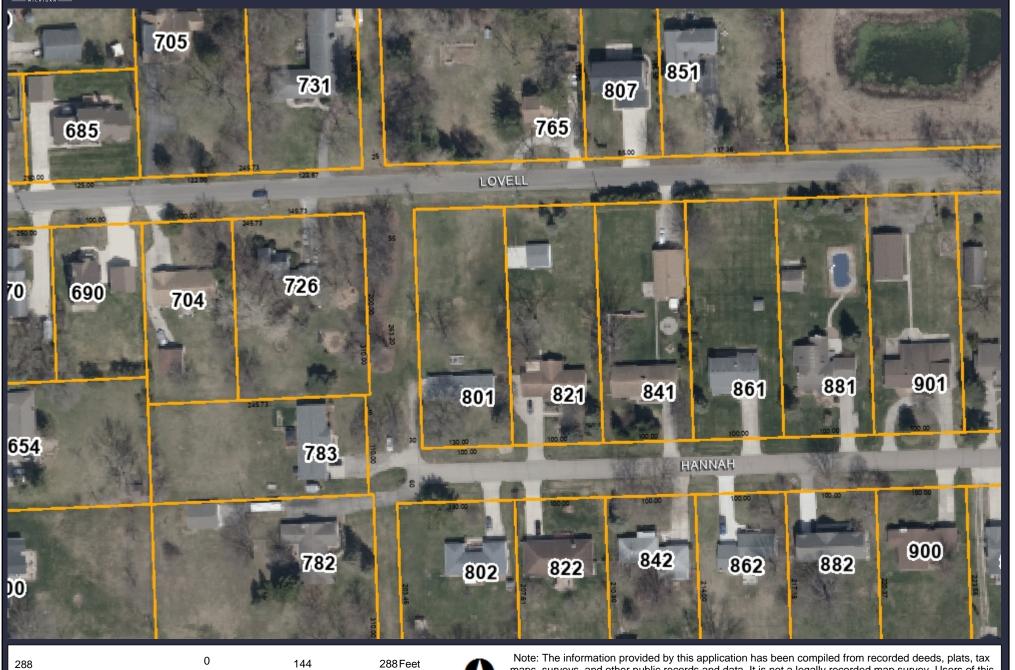
SUMMARY

Comments generated via internal review do not support the proposed street vacation.

Attachments:

- 1. Maps
- 2. Clark Estates Subdivision.
- 3. Quit Claim Deed
- 4. Bassett & Smith Flowing Springs Acres Subdivision
- 5. Public comment
- 6. Application

GIS Online



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.

GIS Online





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MICHIGAN

GIS Online



data are hereby notified that the source information represented should be consulted for verification.

Note: Monuments on

I hereby certify that this copy is a true copy of

the map or plot forwarded the Register of Deeds

Filed in Auditor Conera's Dept.

Examined and Approved

Date august 27, 195

on Essement Line.

"CLARK ESTATES"

Part of N.E. 1/4 Sec. 3, T.2N.R.IIE. Troy Twp., Oakland Co., Mich.

West Line of Sub Placed

NOTE: ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF. Walter J. Lehner & Sons Civil Engineering & Surveying Mt. Clemens, Michigan

580° 39'W 880.78 DEDICATION LOVELL AVE KNOW ALL MEN BY THESE PRESENTS, That we Llewellyn Clark and 150.82 Hannah Clark, his wife, as proprietors have caused the land embraced in the annexed plat to be surveyed, laid out and platted, to be known as "Clark Estates" wart of Northeast 1/4 Sec. 3, T. 2N., R. 11E. Troy Township, Oakland Co., Michigan and that the streets as shown on said plat are hereby dedicated to the use of the public. Signed and Sealed in Presence of: 588°39'W 455.0 588°-39'W HANNAH AVE 1.28.45 STATE OF MICHIGAN,) COUNTY OF OAKLAND ss. On this 6th day of August: 1953, before me, A Notary Public in and for said county, personally came the above named Llewellyn Clark and Hannah Clark, his wife, known to me to be the persons who executed the above dedication, and acknowledged the same to be their free act and deed. Max M. Have Lorg Notary Public, in and for Max A. Oakland County, Michigan, Hartwig My Commission expires DEETTA AVE 589:31:30"E CERTIFICATE OF MUNICIPAL APPROVAL S89-31-30E This plat was approved by the Township Board of the Township of Troy at a meeting held 39: 38: 37: 36: 35: 34: 33: 32: 31: 30. 29: 28: Clifton Township Clerk The land embraced in the annexed plat of "Clark Estates" part of 144.87 80 N. E. 1/4 Sec. 3 T. 2N., R. IIE. Troy Twp., Oakland Co., Michigan is described as follows: 19: 20: 21: 22: 23: 24: 25: Commencing at a point 163.0 feet N. 1°46'W. and 203.0 feet N. 89° 31' 30"W. of the East Quarter Post of said Section 3 and thence extending N. 1° 46'W. 814.50 feet; thence S. 89° 31' 30"E. 203.05 feet; thence N. 1° 46°W. 540. 91 feet; thence S. 88° 39'W. 455. 0 feet; thence N. 1° 46'W. 313. 2 feet; thence S. 88° 39'W. 880.78 feet; thence S. I° 42' E. 1626.24 feet; thence S. 89° 31' 30"E. 1135.50 feet to a point of beginning. MARENGO AVE 589.31-30E 60 FT SURVEYOR'S CERTIFICATE I hereby certify that the plat hereon delineated is a correct one and that permanent metal monuments consisting of bars not less than one-half inch in diameter and 48 inches in length, encased in a concrete cylinder at least 4 inches in diameter and 48 inches in depth have been placed at points marked thus (O) as thereon shown at all angles 110 in the boundaries of the land platted, at all the Beginning intersections of the lines of streets and at the 203 N89:31:30W intersections of the lines of streets with the boundaries of the plat as shown on said plat. COPY Register's Office Cakland County. Registered Land Surveyor, Approved by Oakland County Plat Board, pursuant to Act 172 of P.A. of 1929, as amended, this 1th day of OAKLAND COUNTY TREASURER'S CERTIFICATE luguet 1963 OK /2JJ2 Fontiac, Mich. REGISTER OF DEEDS Board of County Road Commissioners of I HEREBY CERTIFY that there a a no TAX LIEF of TILES held the County of Oakland, Staty of Michigan Orm H Quaed by the State or any adia dual agrees the with a description, and a COUNTY BOARD OF AUDITORS TAXES on same are per the tree way instrument, as appears by the Rymoore Sec. 135 Act 206 - 1893 As Am.

CERTIFICATE AS TO STATE TRUNK LINE OR

located on a state trunk line or federal aid road.

We hereby certify that said plat appears to include land

County Board of Auditors:

C. Austin

FEDERAL AID ROADS?

SOL D. LOMERSON

QUIT CLAIM DEED-STATUTORY FORM FOR INDIVIDUALS, PUBLIC ACTS 1881, NO. 187.

QUIT CLAIM DEE	D
RAYMOND I. ROSE and MABEL M. Ro	OSE, his wife,
Parties of the First Part,	
of370 W. Bennett, Ferndale,	
Quit Claim S to CITY OF TROY, a Michigan 1	Municipal Corporation.
Party of the Second Part	* 50.0
whose	
60 West Wattles Road, Troy, Michigan	
land in the City of Troy	
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David W. Hasse	Laymond L. Rose
Nancy A. Mortensen	All M. Rose
STATE OF MICHIGAN	
COUNTY OF Cakland Ss.	
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J. LAWSON LOCKHAPT	Register of Deeds Office
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(When Recorded Return to Grantee)

LIBUR 3849 PG. 539

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03-276-001

QUIT CLAIM DEED-STATUTORY FOR INDIVIDUALS.

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Party of the Second Part,	
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Meil A Harling Lewis	Lifewellyn L. Glark
Clique Mo Lawlo Hanno	A L. Clark Hannah L. Clark
STATE OF MICHIGAN	
COUNTY OF OAKLAND SS.	
On this 7 714 day of JUNE	19.5 before me personally
appeared LIEWELLYN L CLARK AND	HANNAH L. GLARK,
HIS WIFE	
to me known to be the person. S described in and who executed the fo	
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My commission expires 1979 9, 1960 Notary Public,	C.A.K.LA.M
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(When Recorded Return to Grantee)

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From: **Planning** To: **Brent Savidant**

FW: July 9 Public Hearing Subject: Date: Monday, July 1, 2024 4:31:26 PM

Attachments: image001.png

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PUBLIC COMMENT FOR 801 HANNAH



Jackie Ferencz Office Manager | **City of Troy Planning Dept** O: 248.524.3364









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From: Carol Kasprzak <carol_k54@yahoo.com>

Sent: Monday, July 1, 2024 2:26 PM **To:** Planning <planning@troymi.gov>

Subject: July 9 Public Hearing

You don't often get email from carol k54@yahoo.com. Learn why this is important

CAUTION: This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City of Troy Planning Commissioners:

RE: July 9 Public Hearing

Request to vacate a portion of unimproved right-of-way

Abutting 801 Hannah

I am writing to express my strong opposition to the Request to vacate a portion of unimproved right-of-way in my neighborhood. I believe vacation of this rightof-way would have a detrimental impact on our neighborhood.

Children have used this right-of-way corridor to catch the school bus over the years and neighborhood families have used it for their walks. Section 3 has no park facilities and this right-of-way is one of the only open spaces available in

our neighborhood. Section 3 also has very limited sidewalks and this right-ofway connection keeps walkers safely away from speeding traffic on Lovell.

Vacation of this right-of-way would destroy a long-time safe neighborhood connection and wildlife corridor, as well as eliminate one of the only remaining neighborhood open spaces in Section 3.

I strongly urge you to deny the request to vacate this right-of-way, and further urge you to consider the creative adaption of the entire right-of-way from Marengo north to its ending as a neighborhood linear park and safety path/trail connection. Thank you for your consideration.

Sincerely,

Carol Kasprzak 765 E Lovell Dr carol k54@yahoo.com From: **Planning** To: **Brent Savidant**

Subject: FW: July 9 Public Hearing Request to vacate a portion of unimproved right-of-way Abutting 801 Hannah

Date: Tuesday, July 2, 2024 9:03:34 AM

Attachments: image001.png

image002.png image003.png image004.png image005.png image006.png



Jackie Ferencz Office Manager | **City of Troy Planning Dept**

O: 248.524.3364







From: Hariharan Ramaswamy <harisiv@gmail.com>

Sent: Monday, July 1, 2024 8:14 PM **To:** Planning <planning@troymi.gov>

Cc: Kalpana Subramaniam <kalpanahari88@gmail.com>

Subject: July 9 Public Hearing Request to vacate a portion of unimproved right-of-way Abutting 801

Hannah

You don't often get email from harisiv@gmail.com. Learn why this is important

CAUTION: This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Respected Members of the Planning Commission of City of Troy, MI

We are writing to express our strong opposition to the Request to vacate a portion of unimproved right-of-way in our neighborhood. We believe the vacation of this right-of-way would have a detrimental impact on our neighborhood.

Children have used this right-of-way corridor to catch the school bus over the years and neighborhood families have used it for their walks. Section 3 has no park facilities and this right-ofway is one of the only open spaces available in our neighborhood. Section 3 also has very limited sidewalks and this right-of-way connection keeps walkers safely away from speeding traffic on Lovell. Vacation of this right-of-way would destroy a long-time safe neighborhood connection and wildlife corridor, as well as eliminate one of the only remaining neighborhood open spaces in Section 3.

I strongly urge you to deny the request to vacate this right-of-way, and further urge you to consider the creative adaptation of the entire right-of-way from Marengo north to its ending as a neighborhood linear park and safety path/trail connection. Thank you for your consideration.

Sincerely,
Hariharan Ramaswamy (harisiv@gmail.com)
and
Kalpana Subramaniam (kalpanahari88@gmail.com)
807 E Lovell Dr, Troy, MI-48085

CITY OF TROY

JUN 2 STREET / ALLEY VACATION APPLICATION

PLANNING

CITY OF TROY PLANNING DEPARTMENT 500 W. BIG BEAVER

TROY, MICHIGAN 48084 PHONE: 248-524-3364

E-MAIL: planning@troymi.gov



VACATION APPLICATION FEE \$500.00

\$1,500.00

	MICHIGAN ——					
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:	PETITION AND MAKE APPLICATION TO THE TROY CITY COUNCIL					
APPLICANT(S) FOR VACATION:						
NAME Olimpiu Apahidean	NAME					
	COMPANY					
ADDRESS 2223 Tucker Drive	ADDRESS					
CITY Troy STATE MI ZIP 4808	ADDRESSSTATEZIP					
TELEPHONE	TELEPHONE					
E-MAIL apahidean@comcast.net	TELEPHONEE-MAIL					
ADDRESS(S) AND/OR PARCEL NUMBER(S) OF PROPERTY OWNED BY APPLICANT(S) WHICH ABUTS OR INCLUDES THE AREA FOR WHICH VACATION IS REQUESTED:						
801 Hannah Drive						
	LLOWING REASON(S):					
See attached information						
Attach additional informational pages if necessary.						
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):	DATE 5/24/2024					
8 / 0						
	DATE					

Planning Commission City of Troy 500 W. Big Beaver Rd. Troy, MI 48084

Re:

Street Vacation Request

801 Hannah Ave.

Dear Planning Commissioners,

The attached application is for a request to vacate an unconstructed segment of City right-of-way that directly abuts the property ("the Property") located at 801 Hannah Avenue, on the westerly property line. The size of the area requested for vacation is 30 feet by 263.2 feet ("the area" - see attached Survey Drawing).

The Property was originally platted in 1956 as Lot 65 of the Clark Estates Subdivision. The size of the original Lot 65 was 130 feet wide by 263.2 feet deep. Lot 65 was originally platted with a thirty-foot wide easement located along the west side of the lot from Hannah to E. Lovell. This easement is designated on the plat as "for road use only". This easement continues south, along the westerly boundary of Clark Estates through lots 64, 40, 39, 14 and 13 (see original Clark Estates Plat)

This thirty-foot road easement, called Oberlin Drive on the original plat, was never developed into a road by the City of Troy. It still exists today as an easement, along the entire stretch except the portion adjacent to the property at 801 Hannah. This was the only segment converted to City right-of-way at some point in the past, although it was never developed into a City road. This area was deeded to the City at no cost to the taxpayers of Troy.

The vacation request is made to restore Lot 65 to the way it was originally platted, with the 30'x 263.2' area as an easement and not right-of-way. This street vacation will restore Lot 65 to its original size and original platted easement; exactly how lots 64, 40, 39, 14 and 13 exist today.

When the original easement was converted to right-of-way, Lot 65 was made into a non-conforming lot. It was changed from a conforming corner lot with 130 feet of frontage on Hannah to a non-conforming corner lot with only 100 feet of frontage on Hannah. Section 4.02 of Chapter 41 requires this lot to have a minimum of 115' of frontage length. The structure is also a non-conforming structure because the setback from the garage to the westerly property line is only 10 feet; the zoning Ordinance requires it to be 40 feet. This non-conformity was created as a direct result of the easement being changed to right-of-way. Section 14.01 of the Zoning Ordinance encourages property owners to bring non-conforming structures into compliance with the Zoning Ordinance. The request to vacate this section of right-of-way will eliminate the nonconformity of the structure by increasing the front yard setback on the west side from 10 feet to 40 feet; the minimum front yard setback required for properties in the R-1B district is 40 feet.

There is an 8" diameter watermain and overhead utilities located within the requested area for vacation. This situation is not unique. Numerous other street or alley vacations granted by City Council in the past have underground utilities. For all these vacation requests, the Planning Commission and City Council recognized that a street vacation coupled with a permanent utility easement was the best solution for the adjacent property owners and the City. The property owner agrees for the City of Troy to reserve a perpetual and permanent easement through the entire area requested for vacation for the construction, installation, maintenance, repair, replacement, improvement, use and operation of public utility facilities and appurtenances including the rights of access, ingress and egress.

I assert the street (right-of-way) should be vacated for the following reasons:

- 1. The area was originally platted as an easement and not as City R.O.W.
- 2. The area was never developed or paved as a public road by the City of Troy.
- The area cannot become a public road because it does not meet the physical design standards
 of Chapter 41 of the Troy City Code and Section 4.05(A)(6) of that same chapter prohibits half
 streets.
- 4. The area is not needed as a dedicated route for any governmental purpose, such as refuse pickup, detention basin maintenance or mail delivery.
- 5. The area is not needed for any future trail or pathway based on the City of Troy Trails and Pathways Master Plan and City of Troy Master Plan 2040.
- 6. The area abuts only the property at 801 Hannah and no other neighboring properties.
- 7. The area is not needed for any ingress or egress to the adjacent residential homes on Hannah or E. Lovell.
- 8. The area is not part of a network of alleys or streets that are interconnected or continuous and that provide any manner of ingress and egress of the adjacent and nearby residential properties.
- 9. The area has been and will continue to be maintained (lawncare, etc.) by the property owner of 801 Hannah.
- 10. The area will remain virtually identical to how it looks today, from an aesthetic perspective.
- 11. No accessory building or structure will be located in the dedicated easement, to comply with all applicable City ordinances.
- 12. The area will no longer require the resources of the Public Works department in the future for tree trimming and similar large scale clean up services.
- 13. The vacation of the area will eliminate the non-conformities of the lot and structure.

I respectfully request a recommendation to vacate this street from the Planning Commission to the City Council.

Sincerely,

Ollie Apahidean







"CLARK ESTATES"

Part of N.E. V4 Sec. 3, T.2N.R.IIE. Troy Twp., Oakland Co., Mich.

Note: Monuments on West Line of Sub Placed on Presentant Line

AVE

168 69

36: 35

580: 39'W 680.78

70

600

100

50

589:31:30°E

34: 33: 32:

16 . 17 . 15 . 19 . 20 . 21 . 22 . 23 . 24 . 25 . 26

589.31-30Z

6:5:4:

72]

57956

31:30:29:28

180

GO FT WO 80

80 145.15

11.0 188.45

801 Hannah

HANNAH AVE

LOVELL

NOTE: ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

Walter J. Lehner & Sons Civil Engineering & Surveying Mt. Clemens, Michigan

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That we Liewellyn Glark and Hannah Clark, his wife, as proprietors have caused the land embraced in the annexed plat to be surveyed, laid out and platted, to be known as "Clark Eataes" wart of Northeast 1/4 Sec. 3, T. 2N., R. IIE. Troy Township, Oakland Go., Michigan and that the streets as shown on said plat are hereby dedicated to the use of the public.

Signed and Sealed in Presence of:

Has A. Hartwig Elizabeth Lorall LlewellyntClark HannahlClark

STATE OF MICHIGAN,) COUNTY OF OAKLAND ...

On this day of 1953, before me, A
Notary Public in and for said county, personally came the above named
Llewellyn Clark and Hannah Clark, his wife, known to me to be the persons
who executed the above dedication, and acknowledged the same to be their
free act and deed,

Notary Public, in and for Mar A. Oakland County, Michigan. Narrang

My Commission expires___

CERTIFICATE OF MUNICIPAL APPROVAL

Clifton () mersell Clifton Truesdell Township Clerk DESCRIPTION

The land embraced in the annexed plat of "Clark Estates" part of N.E. 1/4 Sec. 3, T.2N., R. IIE. Troy Twp., Oakland Co., Michigan is described as follows:

Commencing at a point 163, 0 feet N. 1*46*W. and 203, 0 feet N. 89* 31* 30*W. of the East Quarter Post of said Section 3 and thence extending N, 1* 46*W. 814, 50 feet; thence N, 89* 31* 30*E, 203, 05 feet; thence N, 1* 46*W. 344, 50 feet; thence S, 88* 39*W. 455, 0 feet; thence N, 1* 46*W. 314, 2 feet; thence S, 88* 39*W. 460.78 feet; thence S, 1* 42*E, 1626, 24 feet; thence S, 89* 31* 30*E. 1135.50 feet to a point of beginning.

SURVEYOR'S CERTIFICATE

I hereby certify that the plat hereon delineated is a correct one and that permanent metal monuments consisting of bars not less than one-half inch in diameter and 48 inches in length, encased in a concrete cylinder at least 4 inches in diameter and 48 inches in depth have been placed at points marked thus (0) as thereon shown at all angles in the boundaries of the land platted, at all the intersections of the lines of streets with the boundaries of the land of streets with the boundaries of the plat as shown on said plat.

Fitz J. Bridges, Registered Land Surveyor, No. 5779

N89 31:30W

Point of Beginning

E & Post Sec 3 T.2N R.IIE

30' wide Easement (Oberlin St.)

10

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MARENGO AVE

ment dus

110

38:

80

12

Plat of the state of the same de l'acceptant de la company d in Marine - i suffer " 9: Prite I many that have a first

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ien 3 753 t K 12002

CERTIFICATE AS TO STATE TRUNK LINE OR

We hereby certify that said plat appears to include land locat don a state tru k li. e or federal aid road.

Regipter of Deeds-Orrin McQuaid County Board of Auditors:

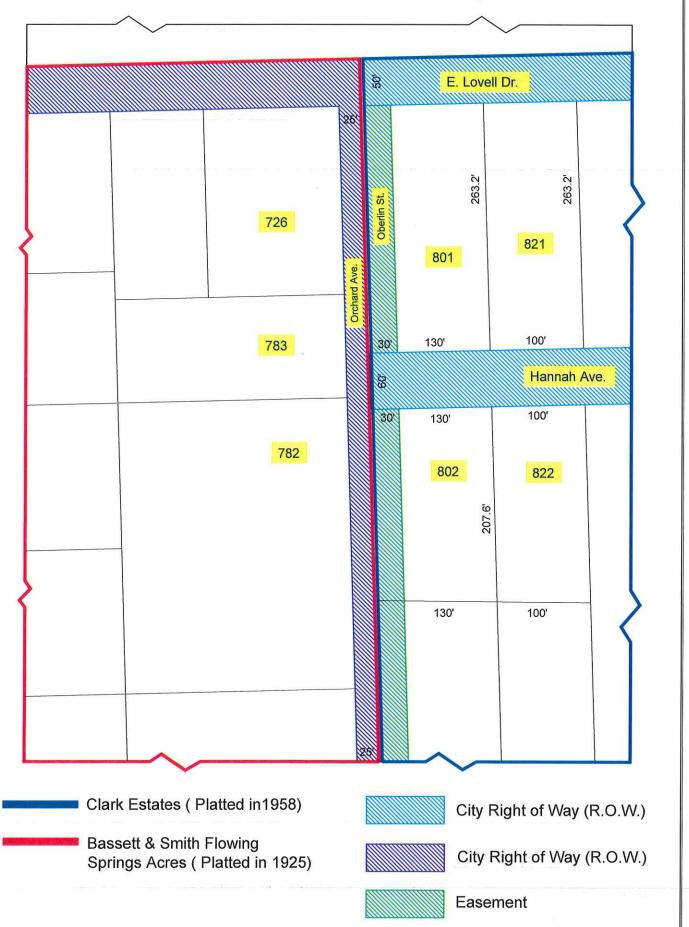
OF FILE CONTRACT LEE . Soones Boot at or First

Burst per well 5- Act 172 CPA 1907 and safe Stand Orin H. Stead. rymoon.

APPROVED Charles 11 1 Jug DWG1

Original Plats from 1928 & 1958

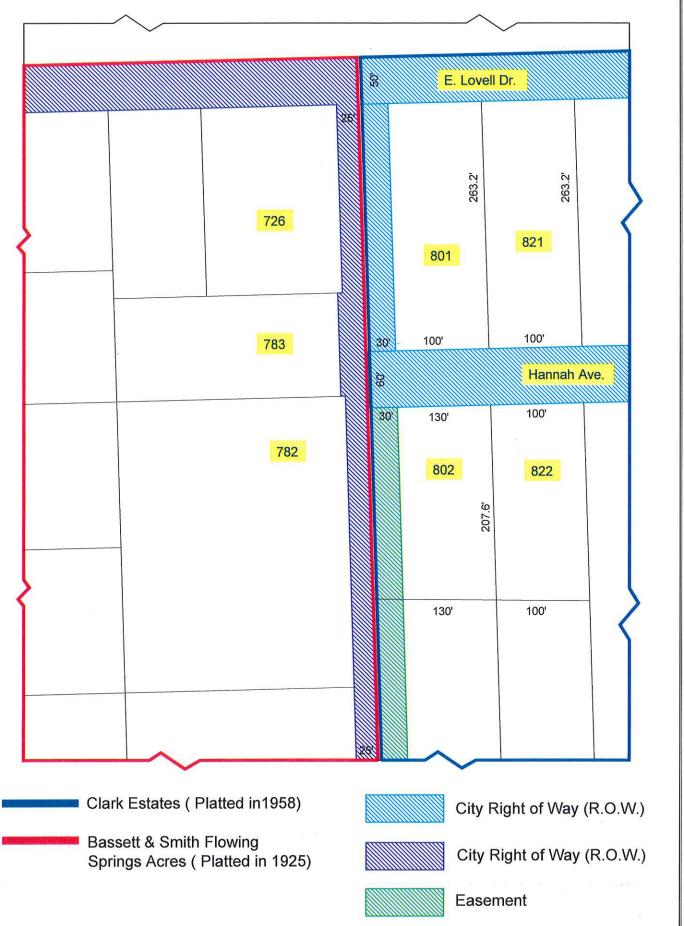
(R.O.W. & Easements)



DWG2

Existing Conditions in 2024

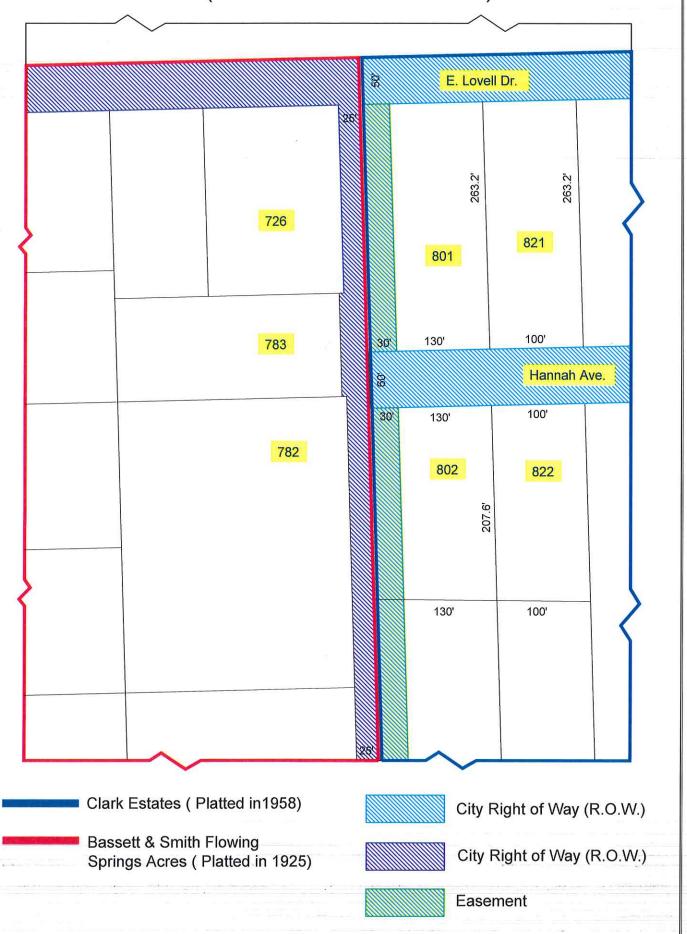
(R.O.W. & Easements)



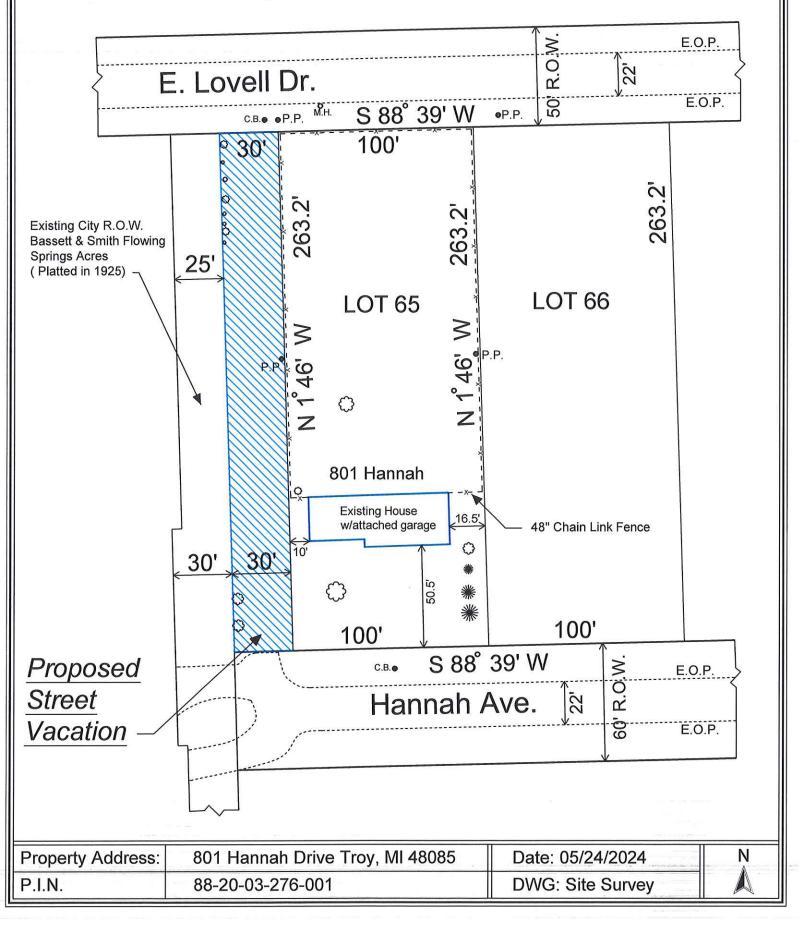
DWG3

Proposed Street Vacation

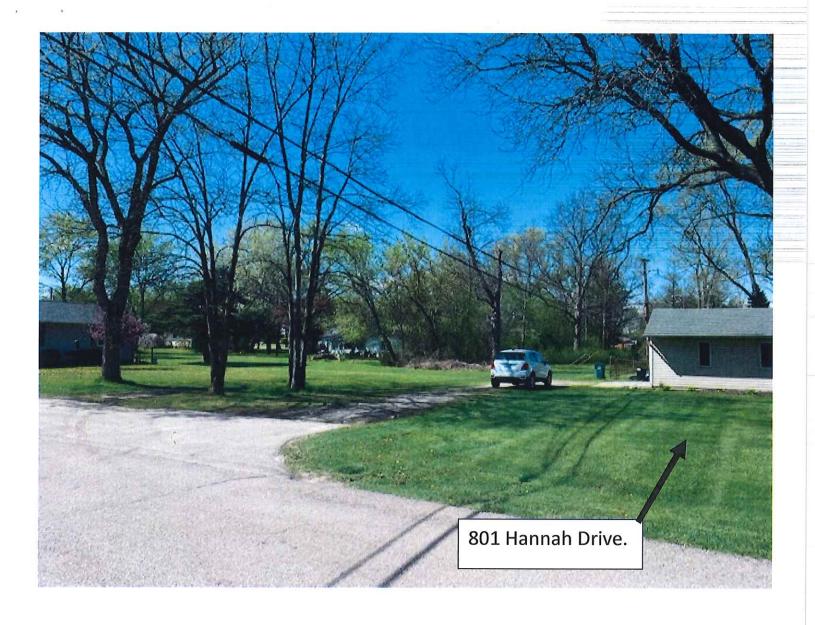
(R.O.W. & Easements)

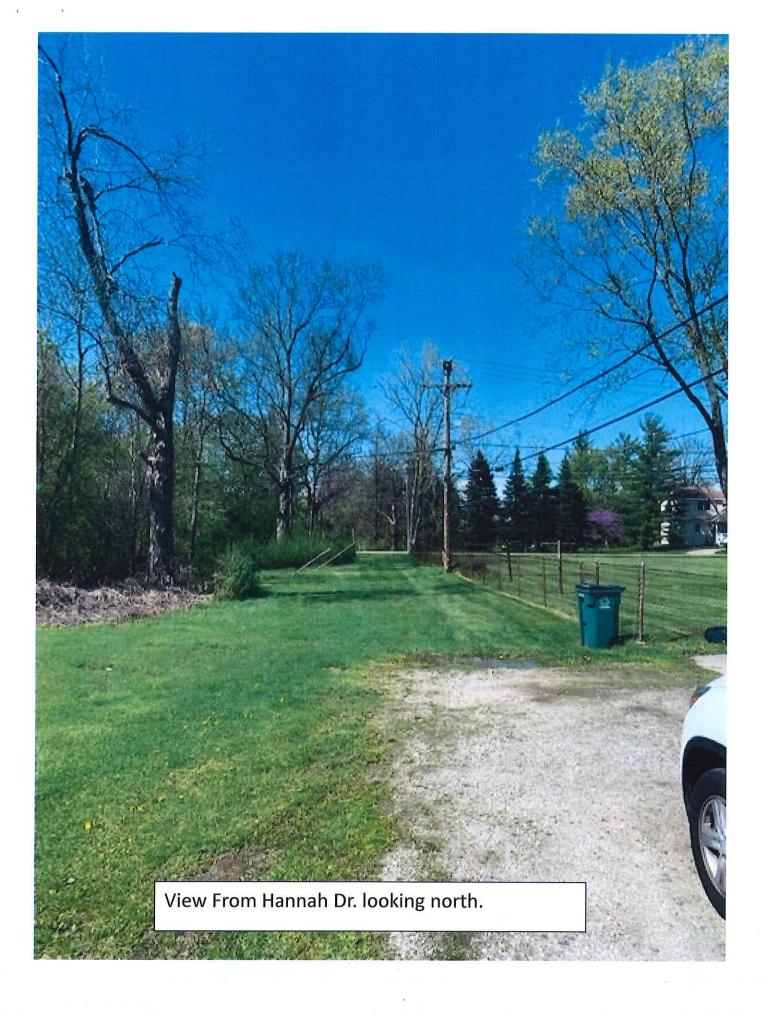


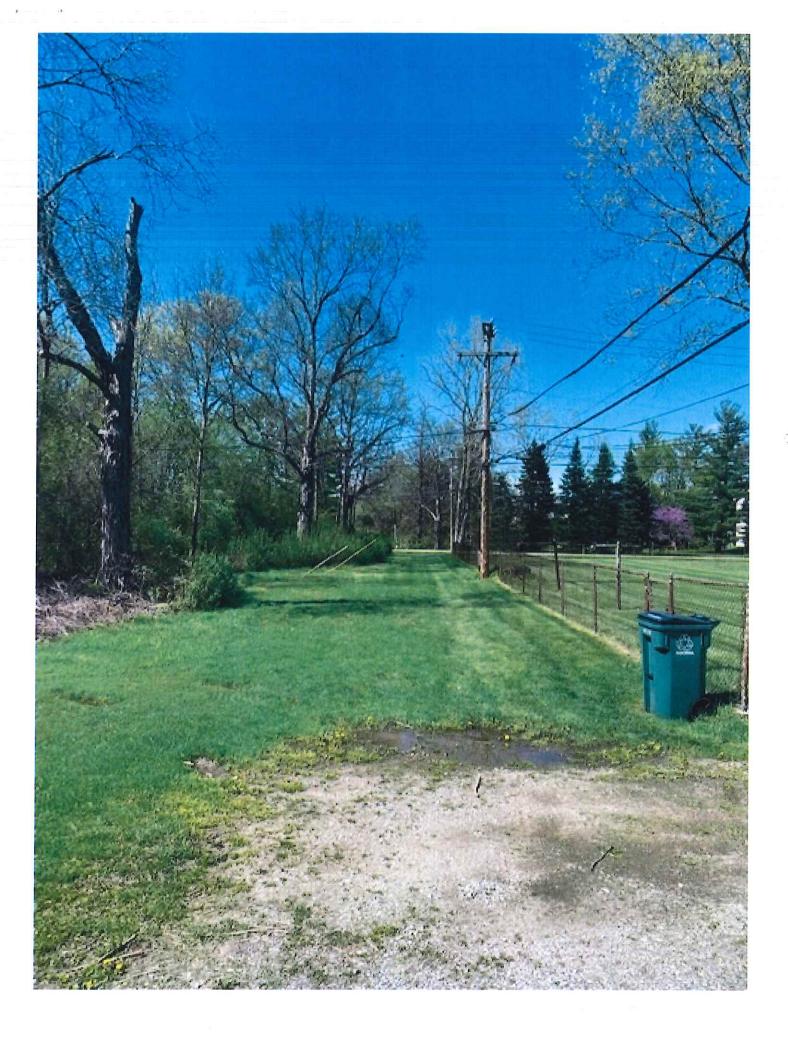
801 Hannah Drive Troy, MI Proposed Street Vacation

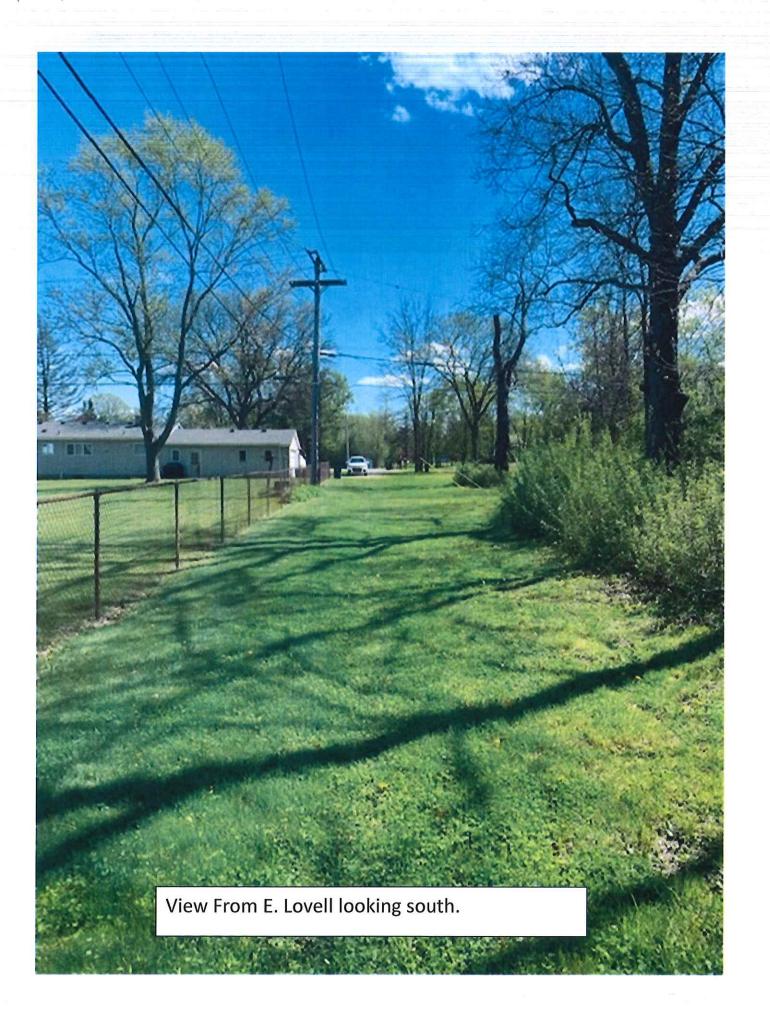


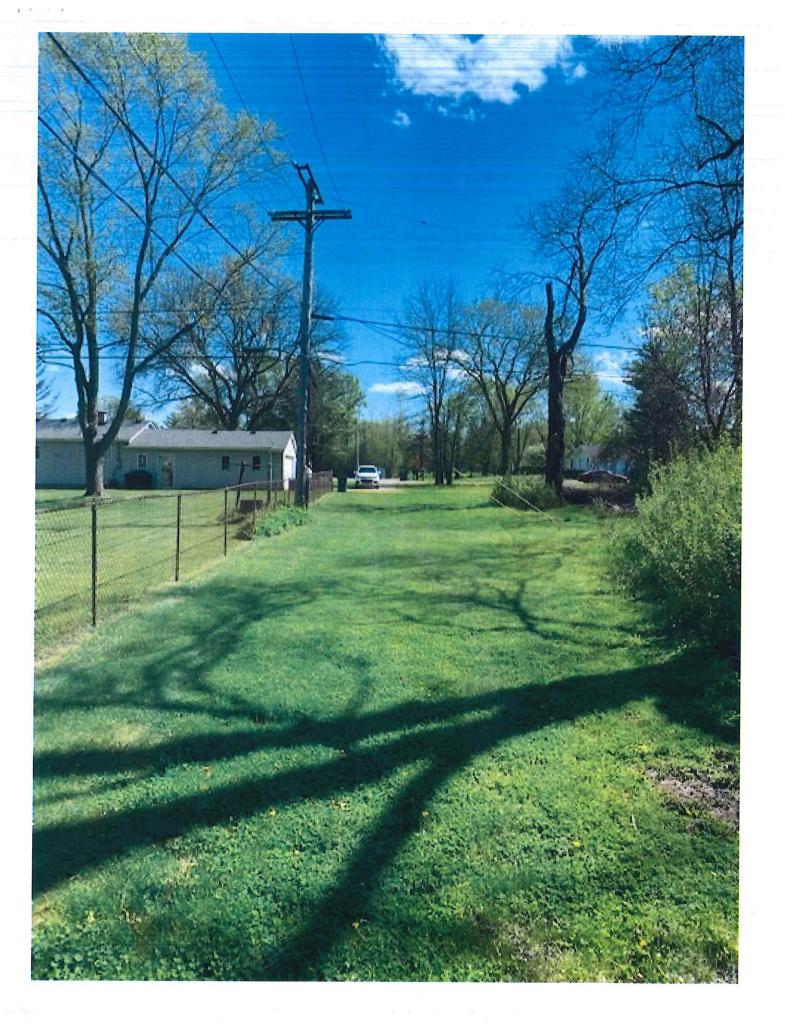












STREET VACATION REQUEST

5. <u>PUBLIC HEARING - STREET VACATION REQUEST (SV JPLN2024-0002)</u> — Request to vacate a portion of a right of way, approximately 30-feet wide by 263.2-feet long, West of Rochester, between Lovell and Hannah, Abutting 801 Hannah (PIN 88-20-03-276-001), Platted as part of Clark Estates Subdivision, in Section 3

Mr. Savidant presented a brief slide presentation on what is a Street Vacation application and its approval process.

Mr. Savidant gave a brief background of the vacation request for consideration this evening. He referenced thirteen reasons listed by the applicant to vacate the street. Mr. Savidant stated public comment received shared concern the applicant might split the property to build a home. Mr. Savidant said the Engineering Department and Department of Public Works do not support the request. He said the departmental review comments state City utilities should remain in the rights of way whenever possible and that there appears to be no apparent benefit to the City.

Present were attorney Darius Dynkowski of Butzel Long law firm and applicant Olimpiu (Ollie) Apahidean.

Mr. Apahidean said his extensive research of public records on street and alley vacation requests previously considered by the Planning Commission and the City Council indicate the majority of the requests were granted and very few were denied. He detailed the unique situation of the non-conforming lot which is the only non-conforming lot in the subdivision. Mr. Apahidean said a variance from the Zoning Board of Appeals would be required to obtain a building permit for any future improvements to the property.

Mr. Apahidean said he wants to restore the City right of way back to an easement as the property was originally platted. Mr. Apahidean said he does not intend to split the parcel to build another home or to build an addition to the existing home. He said the property would remain unobstructed, there would be access for emergency service vehicles, pedestrians and school children could continue to traverse the property and wildlife would not be inhibited.

Some comments during discussion related to the following:

- Uniqueness of property as situated in subdivision.
- Driveway of existing home situated in the right of way; potential liability concerns.
- Intent of property owner if street vacation is granted.
- Disclosure of encumbrances of property at time of purchase in January 2024.
- Existing City watermain in right of way.
- Public trail system; no current plan for a trail connection to this corridor.
- The City's best interest is that property remains a right of way.

PUBLIC HEARING OPENED

- Sheila Gull, 6579 Norton; addressed concern property will be split to build a home, change in neighborhood character, home is a rental property.
- John Terenzi, 841 Hannah; addressed concern property will be split to build a home, change integrity of subdivision, loss of pedestrian/recreational access.
- Alyson Sloan, 821 Hannah; addressed concern property will be split to build a home, either by applicant or future property owner.
- Stephen Douglas Wright, 726 E. Lovell; said his parents (owners of 726 E. Lovell) have not had time to consider how application might affect their property.
- Derek Queen, 783 Hannah; addressed loss of pedestrian/recreational access if privately owned.
- Donna Parlo, 783 Hannah; addressed school district boundaries.

PUBLIC HEARING CLOSED

Discussion continued:

- Clarification on property purchase/ownership.
- City notification of the Public Hearing.

Mr. Apahidean addressed what he perceived as speculative and inappropriate public comments as relates to property ownership and his intent to bring the property into conformance.

Resolution # PC-2024-07-041

Moved by: Krent Seconded by: Buechner

RESOLVED, That the Planning Commission hereby recommends to the City Council that the Street Vacation request, to vacate an unconstructed portion of right of way, approximately 30-feet wide by 263.2-feet long, abutting 801 Hannah, Platted as an Easement as part of Clark Estates Subdivision, in Section 3, be **denied**, for the reason that the City Water and Sewer Department says if possible not to change a right of way into an easement where there are utilities involved, and for specific reasons as follows:

- 1. Vacating the right of way offers no benefit to the City.
- 2. Utilities within rights of way are preferred over easements.
- 3. Right of way was acquired specifically for construction of a watermain.
- 4. Utilities should remain within rights of way when possible.
- It is in the City's best interest to retain intact the right of way between Lovell and Quill Creek.

Discussion on the motion on the floor.

Mr. Lambert said he supports the resolution based on the City staff comments and objection to the request. He noted this is the first street vacation request to which the City staff objected since he has served on the Planning Commission.

Mr. Hutson said he supports the resolution because the applicant's statement that he would never interfere with anyone walking, entering or using the land is not legally enforceable.

Vote on the motion on the floor.

Yes: Buechner, Faison, Hutson, Krent, Lambert, Malalahalli, Perakis

No: Fox Absent: Tagle

MOTION CARRIED

From: John Terenzi < John_terenzi@outlook.com>

Sent: Monday, July 8, 2024 9:35 PM

To: Planning

Subject: 801 Hannah Right of Way

You don't often get email from john_terenzi@outlook.com. Learn why this is important

CAUTION: This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As a resident on Hannah, I am strongly opposed to the city vacating the right of way at the end of Hannah. The applicant doesn't live on Hannah, and has no interest in improving the property at 801 Hannah. Furthermore, Troy City Water, Streets, Engineering and Traffic all agree that the right of way should remain city property. We moved here because of the private setting and beautiful view of the wooded area that is the right of way from our backyard. If the applicant is awarded the right of way, the property will be split, sold and developed. Most of the residents on Hannah do not want to see that happen, as well as city residents who live adjacent the property on E. Lovell. I strongly encourage the city to retain the right of way and not vacate the property. Thank you for your consideration.

John Terenzi 841 Hannah John_terenzi@outlook.com

Sent from my Verizon, Samsung Galaxy smartphone

From: Alyson Sloan <alyesloan@gmail.com>

Sent: Sunday, July 7, 2024 1:50 PM

To: Planning

Subject: 801 Hannah - Request to vacate a portion of an unimproved right-of-way - July 9th meeting agenda

You don't often get email from alyesloan@gmail.com. Learn why this is important

CAUTION: This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing this letter to let you know that I am very much against vacating the right-of-way at 801 Hannah. I live right next door to this property and use the easement all the time as do several other people in my neighborhood. Hannah and the next street (DeEtta) are both dead end streets and this right-of-way is used daily by a lot of seniors, children and dog walkers to avoid walking on E. Lovell (which is a very busy cut through street) up to Rochester Road to safely access these two streets.. The applicant says that it is not used for ingress or egress, but he does not live at the property (it is a rental) so he would have no knowledge as to this fact. The City's "general information" for the July 9th meeting states that the applicant proposes to vacate the portion of the right-of-way that lies entirely within the Clark Estates Subdivision (which he would need in order to divide the property) and the western portion in the Bassett & Smith Flowing Springs Acres would remain (this portion of the right-of-way is heavily wooded and not accessible for walking).

The applicant states that he wants the lot restored to its original size. If his request is granted I believe that he plans to split the yard into two parcels and sell one parcel as a vacant lot. He has already done this. City records indicate that he purchased 944 Marengo on December 30, 2022. City records also show that the property was divided and the now adjacent lot was sold on September 29, 2023. I believe that it is his plan to do the same thing at 801 Hannah for financial gain. Why does the applicant need a bigger lot for a rental property that is already quite large. The applicant stated that he will maintain the right-of-way but after spring storms I ended up taking care of large hanging tree branches on his property near the cars in my driveway and there is a large dead tree in his yard near by driveway.

The applicant asserts that the area "will remain virtually identical to how it looks today" and "no accessory building or structure will be located in the dedicated easement." These statements only apply to the right-of-way he wants. He asserts that "the vacation of this area will eliminate the non-conformities of the lot and structure." **This is not a corner lot** and already conforms to the size and shape of every house on Hannah that backs up to E. Lovell.

Please don't let our neighborhood lose this right-of-way for the gain of one man.

Alyson Sloan 821 Hannah Troy, Michigan

From: Parent <sara_p58@hotmail.com>
Sent: Sunday, July 7, 2024 12:12 PM

To: Planning

Subject: Request to vacate property next to 801 Hannah

[You don't often get email from sara_p58@hotmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

CAUTION: This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City of Troy Planning Commissioners

RE: July 9th Public Hearing request to vacate a portion of unimproved right of way abutting 801 Hannah.

I am writing this to express my strong opposition to the request to vacate the public right of way next to 801 Hannah. This property has been the city of Troy's since 1958. I have personally used this right of way to walk my dog almost everyday. She is older and can't do long distances. I have also witnessed many elderly neighbors on our street use this path. I believe this is because they to can not walk long distances and could also be because of the lack of sidewalks in our neighborhood. I am told children use this path to catch school buses, I'm assuming this is because Lovell can have fast traffic at times. I am concerned by giving this property up to someone who doesn't even live at 801 Hannah will hurt the integrity of our beautiful peaceful street. This property of Troy for so many years has been the home to some beautiful wildlife. Any changes to this property would be a tragedy. I thank you for the consideration.

Sincerely,

Sara Terenzi 841 Hannah Dr. Sent from my iPhone

From: Steven Partlo <spartlo68@gmail.com>

Sent: Monday, July 8, 2024 6:04 AM

To: Planning

Subject: Request to vacate easement by 801 Hannah

Categories: Done

You don't often get email from spartlo68@gmail.com. Learn why this is important

CAUTION: This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to state my concerns if the request to vacate is granted. This easement directly affect my wife and I as it is connected to our easement. This is a walking area for all those wishing to avoid walking along the busy Rochester road to reach the streets to our west where it is safer to walk. This is also a place where wildlife frequent as its a natural path for deer, turkey, rabbits to migrate safely. Our driveway goes near the proposed vacate and are afraid the parcel will be split and decrease the unobstructed view of the neighborhood. We strongly are not in favor of this request and I would have been to the hearing if not for a scheduled knee surgery.

Steve and Donna Partlo 783 Hannah Ave, Troy, MI 48085

From: Robert Kasprzak <rkasprzak07@yahoo.com>

Sent: Saturday, July 6, 2024 6:39 AM

To: Planning

Subject: RE: Public hearing

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Thank you for your response. Concerning this issue, I have lived here in Troy for over 30years. At the time I purchased my home the city assured me that all of the surrounding area was zoned low density single family residential. All of the city meetings I have been to had no effect in stopping all the changes. I believe money drives all the decisions made . The outcome has been more congestion and a lower standard of living wasting a gold opportunity. This property is owned by the city and residents, selling it off would most certainly mean jamming two larger homes in a small space. I have worked in new home construction all my life and understand all the smaller ,older homes will be replaced . Please consider this point of view. Thank you. Robert Kasprzak

Sent from Yahoo Mail on Android

Robert, thanks for the question. Attached are complete Meeting Agenda documents related to this request.

Troy Planning

From: Robert Kasprzak <rkasprzak07@yahoo.com>

Sent: Thursday, July 4, 2024 7:38 PM **To:** Planning Planning

Subject: Public hearing

You don't often get email from rkasprzak07@yahoo.com. Learn why this is important

CAUTION: This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

A request to vacate the right of way that abuts 801 hannah refers to what or for what purpose. This is in my interest for I own property directly north that abuts the public water main right of way also referred to as Oberlin st .thanks Robert Kasprzak

Sent from Yahoo Mail on Android

From: Randy <rgull55@hotmail.com>
Sent: Saturday, July 6, 2024 7:01 PM

To: Planning

Subject: July 9th Public Hearing - Request to vacate a portion of unimproved right-of-way abutting 801

Hannah

You don't often get email from rgull55@hotmail.com. Learn why this is important

CAUTION: This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to notify you of my family's very strong opposition to the request to vacate the right-of-way in my neighborhood. Vacating this right-of-way would not be in the best interest of the Troy citizens living in the area. For well over 60 years this right-of-way has been used by local residents to avoid having to walk on Lovell, which is a very busy cut through street, to Rochester Road to get to Hannah which is a dead end street. This has been a safe practice for decades as there are no sidewalks in this neighborhood. I know there are some older residents on Hannah that do their daily "around the block" walks through the right-of-way because Hannah is a dead end street. This is the only walk through area that I am aware of in this section of Troy. There are no nature areas, walking trails or parks nearby.

If the city allows this vacation is it willing to vacate the right-of-way all the way from E. Lovell to Quill Creek Drive?

In rebuttal to the application to vacate:

Reason #5 - This area is used as a walkway/trail by the neighborhood.

Reason #6 - Not true. This area abuts two other properties.

Reason #7 - This cut through is used for ingress and egress for the residential homes on Hannah, E. Lovell, Norton, and others in the area.

Reason #8 - Most neighborhood walkways are not continuous or interconnected, just short convenient safe walkways for residents. They are all over the city! We don't even live near the one between 225 and 237 Eckford Drive to Wilton Drive (which is also a dead end street), but use it frequently. We use various cut throughs all over the city, not just in our own neighborhood.

Reason #10 - I find it hard to believe that the applicant will maintain the area "virtually identical to how it looks today." He is going through this application process for a reason.

Reason #11 - If the applicant has a larger square footage lot he will most likely split/sell or build on it. He bought in this neighborhood very recently and turned it into a rental house. He is most likely looking to change the neighborhood for his financial gain.

Reason #12 - We live near this right-of-way and have never ever seen any tree trimming or clean up as the area is in a natural state.

As Troy residents we request that you deny the request to vacate this right-of-way for the multitude of reasons stated above. As a matter of fact, this right-of-way from E. Lovell to Marengo would be a perfect walking trail with not much effort as it is already there!

Randy & Sheila Gull 6579 Norton, Troy, MI

TO: CITY OF TROY PLANNING COMMISSION

RE: Request to Vacate Right-of-Way - 801 Hannah, Troy, Michigan (July 9, 2024 Public Hearing)

The undersigned supports our neighborhood and rec	quests that the
City of Troy deny the request to vacate the right-of-w	ay abutting 801
Hannah, Troy, Michigan.	
John Terenzi 841 Hannah Gor Mu	Date: 22-24
Sara Terenz. 841 Henneh July	Date: 2-2-1
Danne Partto 783 Hanneh Magnettes	Date: 7-7 24
Steven Partlo 783 Hamah Att	Date: 7-2-44
Patrick Hoffman 842 Hannah Kala Ho	Date: 7-7-24
Gonzalo, Garaja 916 Harray Dr. Miller	Date: 7-7-24
JANET HINES 861 Hannah Jan Han	-pate: Z-2-04
POBEL DAUBOTEAU BELTE	Date: 222
MARGARET PANICI 947 HANNA	Sate: 7-7-2-4
Mora Casillas Hannah was	Date: 7 - 7
Darles 11. Chrond 25vell	Date: 2-29
Luri + ADGAMA BANTEN 131 E LOUELL	Date: 7-7-24
Alyson Sloan 821 Hannah	Date: 2-7-24
Imagerd Bauer 913 Hannah	Date: 7 - 9 - 24
	Date:
	Date:
	Date:
	Date: