



CITY of NOVI CITY COUNCIL

www.cityofnovi.org

**Agenda Item 3
October 8, 2007**

SUBJECT: Consideration of the vacation of Ampton Drive, an unimproved stub street in the Meadowbrook Lake subdivision, and approval of resolution to set a public hearing for the October 22, 2007 City Council meeting.

SUBMITTING DEPARTMENT: Engineering Department *RZ4*

CITY MANAGER APPROVAL: *PA for CJP*

EXPENDITURE REQUIRED	N/A
AMOUNT BUDGETED	N/A
APPROPRIATION REQUIRED	N/A
LINE ITEM NUMBER	N/A

BACKGROUND INFORMATION:

Randy and Ilene Patterson of 41626 Chattman Drive have formally requested the vacation of Ampton Drive in the Meadowbrook Lake subdivision. Ampton Drive is unimproved and is bisected by the Middle Rouge River. When the subdivision was platted in the early 1960s, the eventual purpose of Ampton Drive was to provide access to the property to the north once it was developed. Ampton Drive remains unimproved because development has never occurred directly to the north and a conservation easement has been placed upon the land.

The Pattersons have been maintaining the subject area and have indicated that they were under the impression it was part of their property. In fact, the Patterson's request to vacate Ampton Drive came after Code Enforcement staff directed them not to construct a storage shed on City property as they had planned earlier this summer. For all intents and purposes, there is no side setback along the Patterson's west property line because their existing garage is located a foot or less from the property line/Ampton Drive right-of-way.

The City currently uses the Ampton Drive right-of-way for these primary purposes: 1) to access and maintain streambanks along the Middle Rouge River; 2) to access and maintain a 36-inch diameter sanitary interceptor sewer that traverses Ampton Drive from north to south; and, 3) to provide a riparian buffer to protect water quality of the Middle Rouge.

Administration staff have reviewed the request. The Planning Division as well as the Police, Assessing and Fire Departments concurred with the request. The City Forester also concurred given that a vegetated riparian buffer is maintained, the woodlands are protected and the City approves any future removal of trees and vegetation. Engineering and Public Works object to the request for the following reasons:

- The City requires access to this portion of the Middle Rouge River in order to conduct maintenance activities to mitigate streambank erosion and sedimentation.
- The City requires access to this area to maintain the sanitary interceptor sewer.
- The City is currently trying to establish a vegetated riparian buffer along this portion of the Middle Rouge River.

If approval of this vacation is considered, it is recommended that the following conditions be met:

- Conveyance of a 35-foot wide drainage maintenance easement to the City.
- Conveyance of a 20-foot wide sanitary sewer maintenance easement to the City.
- Execution of an agreement that requires the protection of woodlands and the establishment and protection of a 25-foot wide vegetated riparian buffer along the Middle Rouge River.

In their attached October 2, 2007 letter, the Pattersons acknowledge the conditions that might be applied to the potential street vacation. Also, because the area under consideration is part of a platted subdivision, if it were to be vacated the area would be split equally between the neighboring landowners. Engineering sent the attached August 31st letter to Mr. & Mrs. D'Uva, who own the neighboring parcel to the west. A meeting was held on September 28th with Mr. D'Uva and the Pattersons. Mr. D'Uva indicated that he is not interested in receiving his half of the split because the river would prevent access to a good portion of the west half that he would otherwise own as a result of a vacation. Instead, Mr. D'Uva stated that - at the very most - he would be interested in the land to the centerline of the river.

Finally, the City Attorney's review of this issue reveals that the applicants would need to file a circuit court action for the vacation because Ampton Drive abuts the Middle Rouge River and therefore provides public access to this natural resource (Beth Kudla's October 1, 2007 letter, attached). A circuit court decision would be necessary to effect the vacation regardless of Council's decision on this matter.

Attached for Council's consideration is a Resolution to set a public hearing date for October 22, 2007 should Council deem it to be necessary.

RECOMMENDED ACTION: Consideration of the vacation of Ampton Drive, an unimproved stub street in the Meadowbrook Lake subdivision, and approval of resolution to set a public hearing for the October 22, 2007 City Council meeting.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Capello				
Council Member Gatt				
Council Member Margolis				

	1	2	Y	N
Council Member Mutch				
Council Member Nagy				
Council Member Paul				



October 1, 2007

30903 Northwestern Highway
P.O. Box 3040
Farmington Hills, MI 48333-
3040
Tel: 248-851-9500
Fax: 248-851-2158
www.secretwardle.com

Elizabeth M. Kudla
Direct: 248-539-2846
bkudla@secretwardle.com

Rob Hayes, City Engineer
CITY OF NOVI
45175 West Ten Mile Road
Novi, Michigan 48375-3024

**Re: Ampton Drive – Meadowbrook Lake Subdivision
Proposed Vacation of Unimproved Stub Street
Our File No. 55142.NOV**

Dear Mr. Hayes:

We have received and reviewed the materials you presented regarding the request of the Randy and Ilene Patterson for the City to vacate Ampton Drive, a stub street located within the Meadowbrook Lake Subdivision. The roads within the Meadowbrook Lake Subdivision are dedicated to the public on the recorded plat.

We note from the materials you provided, including an aerial photograph of Ampton Drive, the letter from Mr. and Mrs. Patterson, the Engineering Division's recommendation memorandum, and the recorded plat itself, that it appears that Ampton Drive is within 25 meters of a lake or general course of a stream, consisting more specifically of the Middle Rough River which leads into what appears to be Meadowbrook Lake.

Section 226 of the Michigan Land Division Act requires that requests to vacate a public highway that borders on, crosses, is adjacent to, or ends at any lake or the general course of any stream requires an action to be filed in Circuit Court:

(2) If a *circuit court determines pursuant to this act that a recorded plat or any part of it that contains a public highway or portion of a public highway that borders on, crosses, is adjacent to, or ends at any lake or the general course of any stream, should be vacated or altered in a manner that would result in a loss of public access, it shall allow the state and, if the subdivision is located in a township, the township to decide whether it wants to maintain the property as a an ingress and egress point.* If the state or township decides to maintain the property, the court shall order the official or officials to either

Rob Hayes, City Engineer
October 1, 2007
Page 2

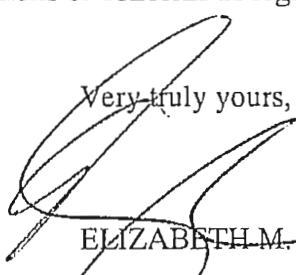
relinquish control to the state or township if the interest is nontransferable or convey by quitclaim deed whatever interest in the property that is held by the local unit of government to the state or township. The township shall have first priority to obtain the property or control of the property as an ingress and egress point. If the township obtains the property or control of the property as an ingress and egress point and later proposes to transfer the property or control of the property, it shall give the department of natural resources first priority to obtain the property or control of the property. If the state obtains the property or control of the property under this subsection, the property shall be under the jurisdiction of the department of natural resources. The state may retain title to the property, transfer title to a local unit of government, or deed the property to the adjacent property owners. If the property was purchased from restricted fund revenue, money obtained from sale of the property shall be returned to that restricted fund.

It appears based on the materials provided the property owners must file a circuit court action seeking vacation of Ampton Drive.

We are enclosing a Resolution setting the matter for public hearing so that City Council may consider, based on the information provided, whether it should set the matter for public hearing, or whether it should deny the Resolution setting the matter for public hearing based on the reasons set forth in the materials and recommendations presented.

Should you have any questions or concerns in regard to this matter, please feel free to contact me.

Very truly yours,



ELIZABETH M. KUDLA

EMK

Enclosure

C: Maryanne Cornelius, Clerk (w/Enclosure)
Clay Pearson, City Manager (w/Enclosure)
Pam Antil, Assistant City Manager (w/Enclosure)
Benny McCusker, DPW Director (w/Enclosure)
Barb McBeth, Deputy Community Development Director (w/Enclosure)
Glenn Lemmon, Assessor (w/Enclosure)
Thomas R. Schultz, Esquire (w/Enclosure)

CITY OF NOVI

OAKLAND COUNTY, MICHIGAN

**RESOLUTION TO SET PUBLIC HEARING TO CONSIDER
VACATING AMPTON DRIVE IN THE CITY OF NOVI**

At a meeting of the City Council of the City of Novi, Oakland County, Michigan, held on the _____ day of _____, 2007, at the City Hall, 45175 West Ten Mile Road, Novi, Michigan 48375.

The following resolution was offered by _____ and supported by _____.

WHEREAS, a request has been received by the City Council seeking the vacation, discontinuance, or abolition of a public road within the City of Novi, located between lots 34 and 35 of the Meadowbrook Lake Subdivision, know as "Ampton Drive," as shown on the plat, attached as Exhibit A, and described as:

Ampton Drive, Meadowbrook Lake Subdivision, according to the recorded Plat thereof, as recorded in Liber 106 of plats, pages 6 and 7, Oakland County Records

WHEREAS, the request for vacation asserts that road may be vacated without any adverse effects on the public health, safety, and/or welfare;

WHEREAS, the City Council has considered such request and has determined to proceed to further consideration of such action in accordance with the requirements of the applicable statutory, charter, and ordinance provisions, and pursuant to the terms of the attached proposed resolution;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Novi City Council that:

1. That the City Council deems it advisable to consider the vacation, discontinuance, or abolition of Ampton Drive located east of Novi Road, and south of Grand River Avenue, within the City of Novi, County of Oakland, State of Michigan.

2. That the City Council will meet and hear objections, if there are any, to such vacation, discontinuance, or abolition on the ___th day of _____ 2007, at 7:00 p.m. at the City of Novi City Hall.

3. The City Clerk is hereby directed to publish notice of such meeting in the newspaper of general circulation in the City, not less than seven days before the time appointed for such meeting. The City Clerk shall also give notice by first class mail to the owners of all property abutting the portion of such platted public road that is legally described in paragraph 1, as shown upon the assessment rolls of the City.

AYES:

NAYS:

ABSTENTIONS:

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I, MARYANNE CORNELIUS, the duly-qualified Clerk of the City of Novi, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Novi at a duly-called meeting held on the ____ day of _____, 2007, the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this ____ day of _____, 2007.

MARYANNE CORNELIUS
Clerk, City of Novi

October 2, 2007

Rob Hayes, P.E.
City of Novi
45175 W. Ten Mile Road
Novi, MI 48375

Dear Mr. Hayes,

Thank you for meeting with us last Friday September 28th regarding our petition to vacate the small parcel of property that is adjacent to the west side of our home. (Ampton Drive on the city's plot plan)

We understand the city council will need to meet at least twice to hear and consider this proposal. In addition we understand and agree to the following:

1. The City of Novi would have a variance for the drainage/sanitation access.
2. The City of Novi would secure an easement to maintain Ingersoll Creek
3. The property dividing line will begin from the middle of the creek between the Duva's and Patterson's. An easement will extend out from the creek on both sides to maintain Ingersoll Creek
4. The City of Novi may at some time in the future develop the woodland behind our property into a community walking trail. At that time the City may install a walkway on the west side of our property to access such trails.

We think a community walking trail would highly enhance our subdivision, bringing our "older sub" up to the standards of many of the new communities in our area.

We look forward to attending the next council meeting on October 8, 2007 for consideration of this proposal. Should you need to contact us before this meeting we can be reached at our home address 41626 Chattman Street or by phone (248)-755-3422. Thank you in advance for consideration of our request.

Respectfully,

Randy and Ilene Patterson

Proposed Vacation of Ampton Drive

Meadowbrook Lake Subdivision



CITY OF NOVI
GEOGRAPHIC INFORMATION SYSTEMS OFFICE
DEPARTMENT OF INFORMATION TECHNOLOGY
NOVI CITY HALL CIVIC CENTER
45175 W. TEN MILE ROAD
NOVI, MI 48375-3024
(248) 347-3279
WWW.CLNOVIMILUS



MAP INTERPRETATION NOTICE
Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

October 1, 2007

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3040
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Fax: 248-851-2158
www.secrestwardle.com

Elizabeth M. Kudla
Direct: 248-539-2846
bkudla@secrestwardle.com

Rob Hayes, City Engineer
CITY OF NOVI
45175 West Ten Mile Road
Novi, Michigan 48375-3024

**Re: Ampton Drive – Meadowbrook Lake Subdivision
Proposed Vacation of Unimproved Stub Street
Our File No. 55142.NOV**

Dear Mr. Hayes:

We have received and reviewed the materials you presented regarding the request of the Randy and Ilene Patterson for the City to vacate Ampton Drive, a stub street located within the Meadowbrook Lake Subdivision. The roads within the Meadowbrook Lake Subdivision are dedicated to the public on the recorded plat.

We note from the materials you provided, including an aerial photograph of Ampton Drive, the letter from Mr. and Mrs. Patterson, the Engineering Division's recommendation memorandum, and the recorded plat itself, that it appears that Ampton Drive is within 25 meters of a lake or general course of a stream, consisting more specifically of the Middle Rough River which leads into what appears to be Meadowbrook Lake.

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Rob Hayes, City Engineer
October 1, 2007
Page 2

egress point. If the state or township decides to maintain the property, the court shall order the official or officials to either relinquish control to the state or township if the interest is nontransferable or convey by quitclaim deed whatever interest in the property that is held by the local unit of government to the state or township. The township shall have first priority to obtain the property or control of the property as an ingress and egress point. If the township obtains the property or control of the property as an ingress and egress point and later proposes to transfer the property or control of the property, it shall give the department of natural resources first priority to obtain the property or control of the property. If the state obtains the property or control of the property under this subsection, the property shall be under the jurisdiction of the department of natural resources. The state may retain title to the property, transfer title to a local unit of government, or deed the property to the adjacent property owners. If the property was purchased from restricted fund revenue, money obtained from sale of the property shall be returned to that restricted fund.

It appears based on the materials provided the property owners must file a circuit court action seeking vacation of Ampton Drive.

Should you have any questions or concerns in regard to this matter, please feel free to contact me.

Very truly yours,

ELIZABETH M. KUDLA

EMK

Enclosures

C: Maryanne Cornelius, Clerk
Clay Pearson, City Manager
Pam Antil, Assistant City Manager
Benny McCusker, DPW Director
Barb McBeth, Deputy Community Development Director

Rob Hayes, City Engineer
October 1, 2007
Page 3

Glenn Lemmon, Assessor
Thomas R. Schultz, Esquire

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07/09/2007

View to North of Ampton Drive
(Rouge River on Left; Patterson House on Right)



View to South of Ampton Drive
(Recent Stabilization of Rouge River
in Foreground)

June 6, 2007

Rob Hayes, P.E.
City of Novi
45175 W. Ten Mile Road
Novi, MI 48375

Dear Mr. Hayes,

We are writing to petition the city to vacate a small parcel of property that is adjacent to the west side of our home. A few weeks ago we began building a small garden shed next to our garage which had been approved by the Meadowbrook Lake association. We were notified by the city that we were not within our lot #35 boundaries. To make a long story short we found out our lot line ends one inch beyond the side of our garage.

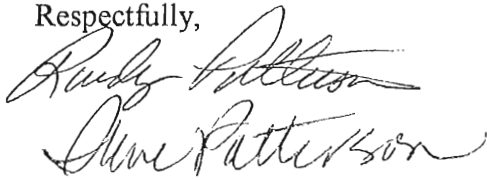
I personally went to the assessment and engineering department at the city and was instructed to write you to explain the situation. When the home was built in 1969 there were plans to provide an access road (Ampton Dr) along the Ingersoll Creek. I was told these plans have been abandoned and only an easement for access to the creek is necessary. Ingersoll Creek divides the property between our neighbor and ourselves.

All past and present home owners of 41626 Chattman have been maintaining this property for years. We are asking the city to vacate the property so we may attach our shed, as approved by the association and also be within city ordinances. This would also provide for a more proper lot line clearance of the property with location of our existing home.

We are trying to complete this project by the middle of August 2007 as we are having a wedding event at our home for our daughter. Anything you can do to expedite this process would be much appreciated. It is my understanding this needs to go to all departments and city counsel for approval.

You can contact us at our home address 41626 Chattman Street or by phone (248)-755-3422. Thank you in advance for consideration of our request.

Respectfully,

The image shows two handwritten signatures in cursive. The first signature is 'Randy Patterson' and the second is 'Ilene Patterson'. Both are written in black ink.

Randy and Ilene Patterson



MEMORANDUM

8-23-07
To: Mayor and City Council Members

FPI, future discussion
item.
Chp

To: Clay Pearson, City Manager
Pam Antil, Assistant City Manager
From: Rob Hayes, City Engineer *RH*
Re: Request to Vacate Ampton Drive
Date: August 21, 2007

We received a written request to vacate Ampton Drive - an unimproved 60-foot wide stub street north of Chattman Drive in the Meadowbrook Lake subdivision, as depicted on the attached plat map. Ampton Drive was to have served as a connector to Orchard Hills West streets to the north; however, this area has since been designated as a conservation easement. The Middle Rouge River traverses the west side of the Ampton Drive right-of-way from north to south.

The request was submitted by Randy and Ilene Patterson, who live on the adjoining parcel to the east of Ampton Drive at 41626 Chattman, as shown on the attached aerial photograph. Note that the Patterson's west garage wall is practically on the property line and therefore does not meet the minimum 15-foot side setback requirement. As they assert in their letter, the Pattersons were unaware of the true location of their west property line and have been maintaining most of the area within the right-of-way for several years.

Administrative staff have reviewed the Patterson's request to vacate Ampton Drive. The Police, Assessing and Fire Departments concurred with the request without comment. The City Forester also concurred given that the following conditions are met:

- A 25-foot wide vegetated buffer is to be maintained to protect the water quality of the Middle Rouge River.
- The woodlands in the right-of-way are to be protected.
- Removal of trees and other vegetation must first be approved by the City.

The Planning Division concurred with the request and provided a memorandum with comments (Karen Reinowski's August 9, 2007 memo, attached).

Engineering and Public Works object to the request and recommend denial for the following reasons:

- The City requires access to this portion of the Middle Rouge River in order to conduct required drainage maintenance issues, mostly relating to ongoing streambank erosion and sedimentation.
- The City also needs access to this area to maintain the 36-inch diameter sanitary interceptor sewer that runs north-south along the east side of the right-of-way (at a distance of approximately 10 feet from the property line and the Patterson's garage).
- As part of the adoption of the Phase II Stormwater Master Plan Update, the City made a commitment to establish and maintain riparian buffers on public land. If this right-of-way were to be vacated, there would be no assurance that the buffer would be maintained in the future.

Request to Vacate Ampton Drive
August 21, 2007
Page 2

Following a public hearing, Council could consider this request and decide to either:

- Approve the request, but make approval contingent upon 1) the conveyance of drainage and sanitary sewer easements to the City; and, 2) the execution of a maintenance agreement to provide some level of assurance that the riparian buffer would be maintained for perpetuity.
- Deny the request, but direct staff to evaluate a way to remedy the side setback deficiency on the Patterson's parcel.
- Deny the request outright.

*Recommended
CSP*

*

Please let me know if you have any questions or comments in regards to this vacation request and how you like to proceed.

cc: Tom Schultz, City Attorney

June 6, 2007

Rob Hayes, P.E.
City of Novi
45175 W. Ten Mile Road
Novi, MI 48375

Dear Mr. Hayes,

We are writing to petition the city to vacate a small parcel of property that is adjacent to the west side of our home. A few weeks ago we began building a small garden shed next to our garage which had been approved by the Meadowbrook Lake association. We were notified by the city that we were not within our lot #35 boundaries. To make a long story short we found out our lot line ends one inch beyond the side of our garage.

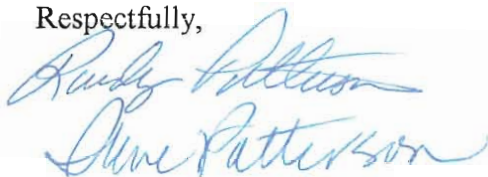
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All past and present home owners of 41626 Chattman have been maintaining this property for years. We are asking the city to vacate the property so we may attach our shed, as approved by the association and also be within city ordinances. This would also provide for a more proper lot line clearance of the property with location of our existing home.

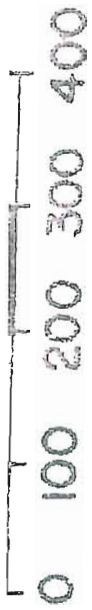
We are trying to complete this project by the middle of August 2007 as we are having a wedding event at our home for our daughter. Anything you can do to expedite this process would be much appreciated. It is my understanding this needs to go to all departments and city counsel for approval.

You can contact us at our home address 41626 Chattman Street or by phone (248)-755-3422. Thank you in advance for consideration of our request.

Respectfully,



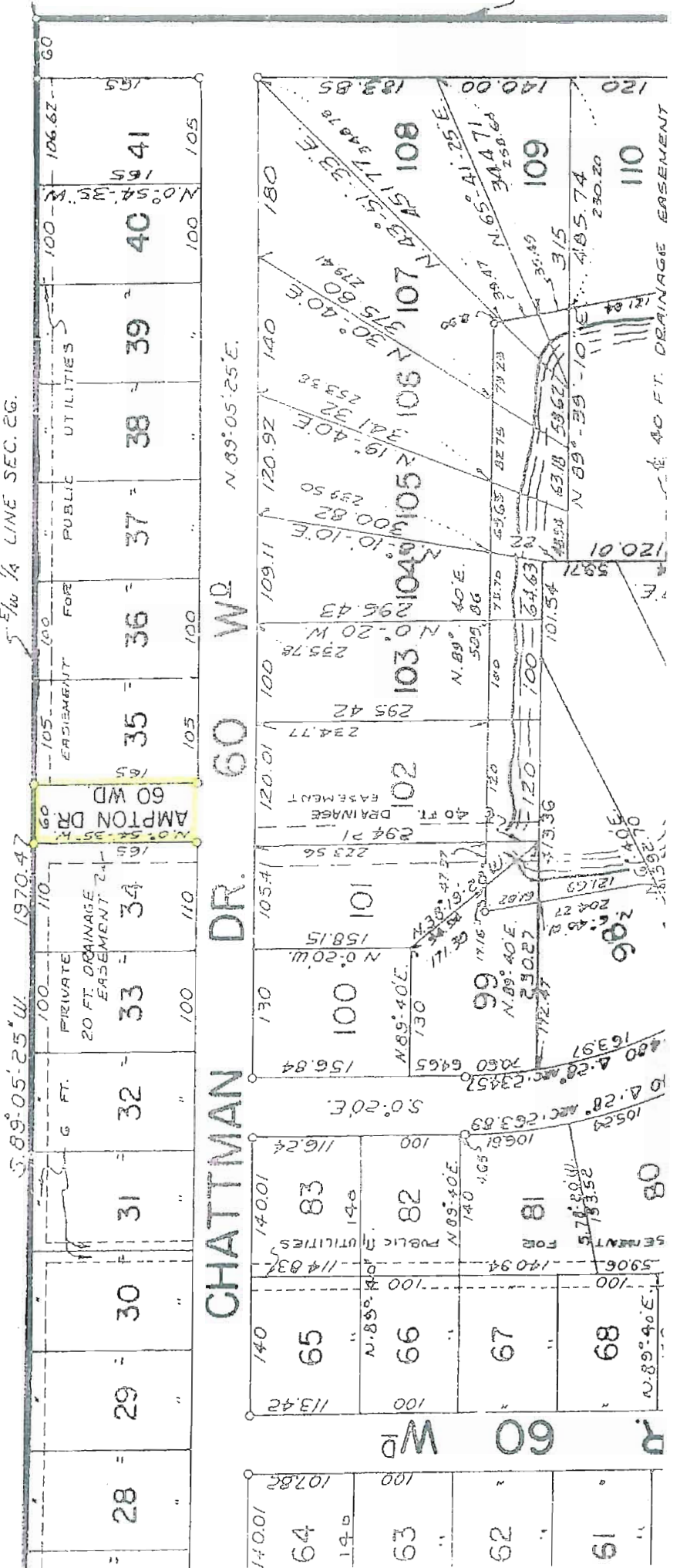
Randy and Ilene Patterson



NOTE = ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
 ALL CURVILINEAR DIMENSIONS ARE GIVEN ALONG THE ARC.

UNPLATTED

$\frac{5}{16}$ LINE SEC. 26.





Middle Rouge River

Ampton Drive

Patterson Parcel

Chatman St

Meadowbrook Rd

Entershire Dr



Community Development Department
45175 W. Ten Mile Road
Novi, MI 48375

August 9, 2007

REQUEST TO VACATE CITY-OWNED PROPERTY

Ampton Drive, Meadowbrook Lake Subdivision

The Community Development Department concurs with the request to vacate Ampton Drive, based on the following analysis:

1. Ampton Drive was planned as a stub street to connect Meadowbrook Lake subdivision to the property to the north (Orchard Hills West subdivision). The easement for Ampton Drive is unimproved; it has not been constructed as a street, and there are not any lots that have their access from it. If constructed, Ampton Drive would connect to a conservation easement in Orchard Hills West, rendering it unusable for access by either residents or emergency vehicles.
2. A branch of the Middle Rouge River runs generally along the western boundary of the Ampton Drive easement. Also, per FEMA mapping, a significant portion of Ampton Drive would be within a flood area.
3. The Meadowbrook Lake subdivision is zoned R-3, which has a minimum lot area standard of 12,000 sf and a minimum lot width standard of 90'. Ampton Drive is approximately 9,900 sf in area and has a width of 60'. It could not be developed as a parcel on its own, but would instead be combined with the adjacent parcel(s). Verification could be made by the Assessing Department regarding how the easement would be divided between the adjacent parcels, and whether or not additional legal procedures are necessary to combine Ampton Drive with the propertie(s).
4. Staff expects that verification would need to be made regarding whether a water drainage easement would need to be maintained along Ampton Drive.

Karen Reinowski

Building
248-347-0415
248-735-5600 Fax

Planning
248-347-0475
248-735-5633 Fax

Ordinance Enforcement
248-735-5678
248-735-5682 Fax



36" Sanitary Interceptor Sewer

Middle Rouge River

Chatham St

Enishore Dr



MEMORANDUM

Date: August 13, 2007

To: Benny McCusker, Director Of Public Works

From: Tim Wright, Roads and Drains Manager
Tim Sikma, Water and Sewer Manager

tw.
TS

CC: Howard Aube, DPW

**Subject: Request to Vacate City-Owned Property
Ampton Drive, Meadowbrook Lake Subdivision**

We have reviewed the plans to vacate the property known as Ampton Drive by Randy and Ilene Patterson of 41626 Chattman Drive. This property is part of a buffer zone for the Middle Rouge River in the Meadowbrook Lake Subdivision. The area is part of the headwaters for the most regulated water systems in Southeast Michigan. The protection of this area is essential to the community and the environment.

This property is utilized for maintenance of the stream bed as required in the Storm Water Master Plan Phase II. The City recently completed a large stream bank stabilization program using grant funds to restore and protect this area.

In addition, a 36 inch sanitary sewer line runs through the property. This location will be used as one of the only access points for cleaning the sanitary sewers along the mainline. Detroit Edison power lines also run along the north end of the property.

We believe that the vacation of this property would adversely impact the City's ability and obligation to protect and maintain this sensitive area. We recommend that the City deny the request to vacate the City owned property known as Ampton Drive in the Meadowbrook Lake Subdivision.

Should you have any questions or concerns regarding this review, please contact us.



June 22, 2007

CITY COUNCIL

Mayor
David B. Landry

Mayor Pro Tem
Kim Capello

Bob Gatt

Terry K. Margolis

Andrew Mutch

Toni Nagy

Lynne Paul

City Manager
Clay J. Pearson

City Clerk
Maryanne Cornelius

Randy and Ilene Patterson
41626 Chattman
Novi, MI 48375

Re: Request for Vacation of Plated Subdivision Street
Your letter dated June 6, 2007

Dear Mr. & Mrs. Patterson:

I have received your request to vacate a stub street (Ampton Drive) in the Meadowbrook Lake subdivision. Following my initial review of your request, I will determine whether there is a compelling reason to recommend against vacation. If so, I will contact you to determine whether you would still like to proceed with your request; otherwise, I will circulate the request to relevant departments within the City of Novi for their review and comment.

Once all departmental comments have been received, I will place the issue on a future City Council meeting agenda as a public hearing item. Once the public hearing is conducted and all comments in favor of and opposed to the proposed vacation are heard, a resolution for vacating the City's interest will be considered by City Council at a subsequent City Council meeting.

This entire process may become lengthy - sometimes it may have a duration of up to six months. I will keep you apprised as we move through the process. In the meantime, please feel free to contact me if you have any questions or concerns in regards to this issue.

Sincerely,

Rob Hayes, P.E.
City Engineer





August 31, 2007

Frank and Annette Duva
41644 Chattman Drive
Novi, Michigan 48375

RE: Vacation of Ampton Drive

Dear Mr. & Mrs. Duva:

This letter is to inform you the City has received a request from the property owners immediately east of you (the Pattersons) to vacate the 60-foot wide unimproved right-of-way situated between your two properties known as Ampton Drive (see attached plat map). The Novi City Council will consider this request at its September 10, 2007 meeting and set the date for a future Public Hearing for the proposed street vacation.

Pleased be advised that if Ampton Drive were to be vacated, the land would be split equally between the Pattersons and you. The following list includes, but is not limited to, items the City *may* require as conditions towards granting the street vacation:

- A drainage easement for the City to access and maintain the Middle Rouge River reach within the current Ampton Drive right-of-way;
- A sanitary sewer easement for the City to access and maintain the 36" interceptor sewer that traverses the Ampton Drive right-of-way;
- An agreement requiring conservation of a 25-foot wide vegetated buffer along the Middle Rouge River within the current Ampton Drive right-of-way; and,
- A property assessment increase due to the resultant increase in parcel size.

We would like to hear your opinion regarding the proposed street vacation as soon as possible. Please feel free to contact me at (248) 735-5606 at any time.

Sincerely,

Rob Hayes, PE
City Engineer

cc: Randy and Ilene Patterson, 41626 Chattman Drive

CITY COUNCIL

Mayor
David B. Landry

Mayor Pro Tem
Kim Capello

Bob Gatt

Terry K. Margolis

Andrew Mutch

Toni Nagy

Lynne Paul

City Manager
Clay J. Pearson

City Clerk
Maryanne Cornelius

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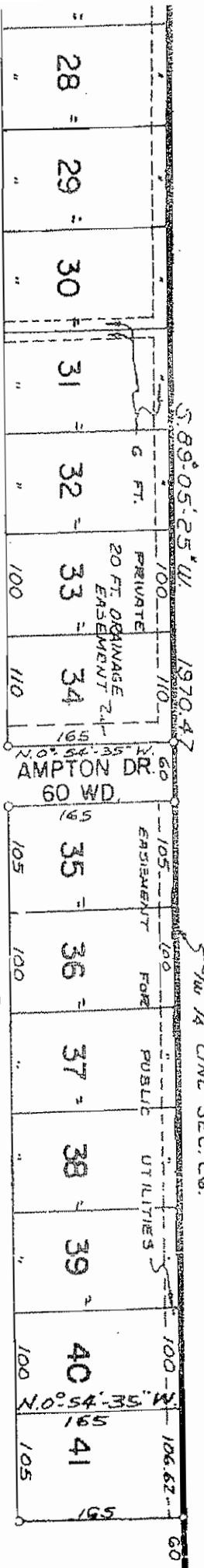


"Enhancing Novi's quality of life"



NOTE = ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
 ALL CURVILINEAR DIMENSIONS ARE GIVEN ALONG THE ARC.

UNPLATTED



CHATTMAN DR. 60 WD

