

CITY of NOVI CITY COUNCIL

Agenda Item P
March 22, 2010

SUBJECT: Approval of resolution vacating a portion of Walled Lake Road and an unnamed road (part of the former Walled Lake Avenue), platted but unimproved or "paper" streets located in the Chapman Walled Lake Subdivision in the City of Novi within the Landings Area near 13 Mile and Old Novi Road, in connection with the City's determination to designate the area as park land and open space.

SUBMITTING DEPARTMENT:

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The City Council held a public hearing on the question whether the platted and unplatted roadways that lie within the Landings Area that the Council has determined to improve as park land and open space should be vacated. The roadways are all currently unimproved and therefore "paper" streets. Some of them at one point had been improved and were used in connection with the old historical uses of the landings site (e.g., the Walled Lake Casino/amusement park). However, they are now vacant and open. They do not provide any access to adjacent homes or parcels.

There are five separate resolutions that are needed to effect the vacations. This is because there are three separate subdivision involved (Pratt, Chapman Walled Lake, Walled Lake Shores), because some of the road areas are unplatted (adjacent to the large acreage portion of the landings, roughly in the middle of the site), and because some of the roads (or portions of those roads) are within 25 meters of Walled Lake, which requires—in addition to a Council resolution to vacate—a circuit court lawsuit and judgment vacating the road.

The following resolutions make up the entire "package": (1) a resolution vacating 2 roads (Pratt and a portion of Duana) in the Pratt Subdivision, no part of which are within 25 meters of the lake; (2) a resolution vacating Chapman Drive, in Chapman Walled Lake Subdivision, which is not within 25 meters of the lake; (3) a resolution vacating parts of the former Lake Avenue and Lake Street, which are within 25 meters of the lake but are not part of any platted subdivision and therefore are not subject to the circuit court requirements of the Land Division Act; (4) a resolution vacating a portion of the former Lake Avenue in the Walled Lake Shores Subdivision, which is within 25 meters of the lake; (5) a resolution vacating a portion of the former Walled Lake Road and an "unnamed road" within the Chapman Walled Lake Subdivision, which are within 25 meters of the lake.

With the exception of the resolution relating to the two unplatted roads, all of the resolutions contain language directing the City Manager and City Attorney to take all actions required to effect the vacation, including, if and to the extent necessary, the filing of a circuit court lawsuit. The lawsuit appears to be required to effect the vacation as to items

(4) and (5). To the extent litigation would already be required as to those streets, it is the current intention of the City administration to also file suits as to items (1) and (2) and the streets covered in those. As Council has been informed in prior correspondence, the need to file a circuit court action to "complete" a vacation of roads not within 25 meters of the lake is a matter of dispute, but in light of the intention to seek grant funds for substantial improvements to the property, a conservative approach is proposed to be taken.

RECOMMENDED ACTION:

Approval of resolution to approve resolution vacating a portion of Walled Lake Road and an unnamed road (part of the former Walled Lake Avenue), platted but unimproved or "paper" streets located in the Chapman Walled Lake Subdivision in the City of Novi within the Landings Area near 13 Mile and Old Novi Road, in connection with the City's determination to designate the area as park land and open space.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Gatt				
Council Member Crawford				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

CITY OF NOVI

OAKLAND COUNTY, MICHIGAN

**RESOLUTION VACATING A PORTION OF
WALLED LAKE ROAD AND AN UNNAMED ROAD (PART OF THE FORMER
WALLED LAKE AVENUE) IN THE
CHAPMAN WALLED LAKE SUBDIVISION
IN THE CITY OF NOVI**

At a meeting of the City Council of the City of Novi, Oakland County, Michigan, held on March 22, 2010, at the City Hall, 45175 Ten Mile Road, Novi, Michigan 48375.

WHEREAS, the Novi City Council held a public hearing on February 22, 2010, to consider and hear objections to the proposed vacation of a portion of the former Walled Lake Road and a portion of an unnamed road (part of the former Walled Lake Avenue), platted roads in the Chapman Walled Lake Shores Subdivision, Liber 9 of Plats, Page 13, Oakland County Records, depicted and legally described as follows:

{See the attached and incorporated Sketch & Description Exhibit}

WHEREAS, the City Council has jurisdiction to vacate by resolution the road in question, provided that, if any part of the road is within 25 meters of a lake or in the general course of a stream, an action must be filed with the Oakland County Circuit Court; and



WHEREAS, the roads are not developed or physically improved as roads and are not needed by any other owners in the subdivision for access to or from their lots or other areas in the subdivision, and is completely within an undeveloped area of property, known as the Landings, that the City has planned for park land.

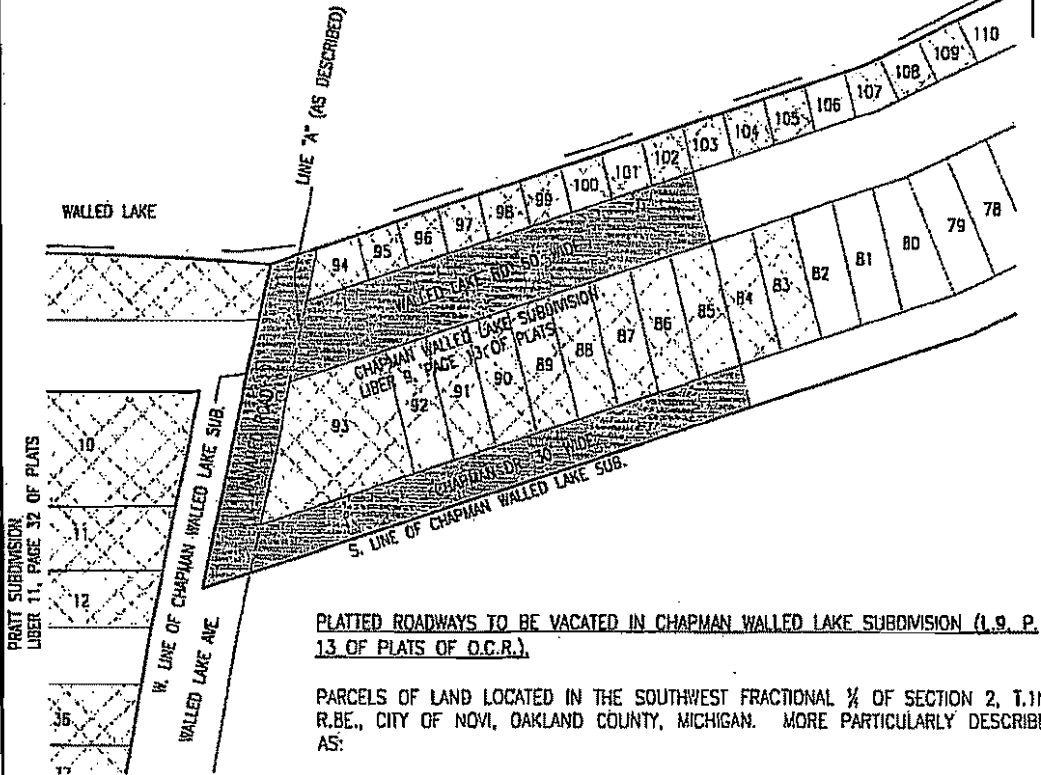
WHEREAS, the Novi City Council is satisfied that the described platted roads may be vacated without any adverse effects on the public health, safety, and/or welfare.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Novi City Council that: the described portion of Walled Lake Road and the described portion of an unnamed road (part of the former Walled Lake Avenue) shown on the Plat of Chapman Walled Lake Subdivision,

EXHIBIT "A"

CHAPMAN WALLED LAKE SUBDIVISION ROAD VACATION

 = CITY-OWNED PROPERTY
 = ROAD TO BE VACATED



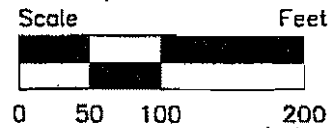
PLATTED ROADWAYS TO BE VACATED IN CHAPMAN WALLED LAKE SUBDIVISION (I.9. P. 13 OF PLATS OF O.C.R.).


PARCELS OF LAND LOCATED IN THE SOUTHWEST FRACTIONAL 1/4 OF SECTION 2, T.1N., R.2E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN. MORE PARTICULARLY DESCRIBED AS:

THAT PORTION OF WALLED LAKE ROAD (50' WIDE) BOUNDED ON THE NORTH BY LOTS 94-102 AND BOUNDED ON THE SOUTH BY LOTS 85-93, AS PLATTED IN CHAPMAN WALLED LAKE SUBDIVISION, RECORDED IN LIBER 9, PAGE 13 OF PLATS, OAKLAND COUNTY RECORDS.

ALSO, THAT PORTION OF CHAPMAN DRIVE (30' WIDE) BOUNDED ON THE NORTH BY LOTS 85-93, AS PLATTED IN CHAPMAN WALLED LAKE SUBDIVISION, RECORDED IN LIBER 9, PAGE 13 OF PLATS, OAKLAND COUNTY RECORDS. MORE PARTICULARLY DESCRIBED AS THAT PORTION OF CHAPMAN DRIVE LYING SOUTHWESTERLY OF THE EXTENSION OF THE NORTHEASTERLY LINE OF LOT 85, AS PLATTED IN SAID CHAPMAN WALLED LAKE SUBDIVISION.

ALSO, ALL OF THE ROAD UNNAMED IN THE PLAT AND LYING ALONG THE WEST LINE OF THE PLAT (COMMONLY KNOWN AS WALLED LAKE AVENUE) LYING WEST OF A LINE DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF LOT 94, AS PLATTED IN CHAPMAN WALLED LAKE SUBDIVISION, RECORDED IN LIBER 9, PAGE 13 OF PLATS, OAKLAND COUNTY RECORDS; THENCE PROCEEDING TO THE SOUTHWEST CORNER OF SAID LOT 94; THENCE PROCEEDING TO THE NORTHWEST CORNER OF LOT 93, AS PLATTED IN SAID CHAPMAN WALLED LAKE SUBDIVISION; THENCE PROCEEDING TO THE SOUTHWEST CORNER OF SAID LOT 93; THENCE PROCEEDING ALONG THE WEST LINE OF SAID LOT 93 TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID CHAPMAN WALLED LAKE SUBDIVISION, AS PLATTED, SAID POINT ALSO BEING THE POINT OF ENDING OF LINE HEREIN DESCRIBED (SEE LINE "A").



CITY OF NOVI ROAD VACATIONS PART OF CHAPMAN WALLED LAKE SUBDIVISION ROAD VACATION SKETCH		SCALE SHEET 2 OF 1
CITY OF NOVI	0163-08-0231	
34000 Plymouth Road Livonia, MI 48150 P (734) 522-6711 F (734) 522-6427 WWW.OHM-ADVISORS.COM		

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