

cityofnovi.org

## CITY of NOVI CITY COUNCIL

Agenda Item R  
March 22, 2010

**SUBJECT:** Approval of resolution vacating Walled Lake Avenue and a portion of the former Lake Street, an unplatted and unimproved or "paper" street located 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 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 vacating Walled Lake Avenue and a portion of the former Lake Street, an unplatted and unimproved or "paper" street located 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
<b>Mayor Landry</b>				
<b>Mayor Pro Tem Gatt</b>				
<b>Council Member Crawford</b>				
<b>Council Member Fischer</b>				

	1	2	Y	N
<b>Council Member Margolis</b>				
<b>Council Member Mutch</b>				
<b>Council Member Staudt</b>				

**CITY OF NOVI**

**OAKLAND COUNTY, MICHIGAN**

**RESOLUTION VACATING A PORTION OF THE FORMER  
WALLED LAKE AVENUE AND  
A PORTION OF THE FORMER LAKE STREET,  
UNPLATTED AND UNIMPROVED  
ROADS IN THE CITY OF NOVI**

The City of Novi ("City") has determined to vacate a portion of the former Walled Lake Drive and a portion of the former Lake Street, both of which are unplatted public roads that may have been previously improved but are currently unimproved vacant open space, and are depicted and legally described as follows:

{See the attached and incorporated Sketch & Description Exhibit}

**WHEREAS**, following an initial investigation by City officials and consultants, the City Council conducted a public hearing on February 22, 2010 to consider vacation.

**WHEREAS**, the City Council has jurisdiction by its Charter to vacate by resolution the unplatted roads in question; and

**WHEREAS**, the roads are not developed physically as roads and are not needed or required by any other owners in the area for access to or from their properties or other areas in the City, and are completely within an undeveloped area of property, known as the Landings, that the City has planned for park land, and will be retained in ownership by the City.

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

**IT IS THEREFORE RESOLVED:**

1. The portion of Walled Lake Drive and the portion of Lake Street legally described above shall be, and are hereby, vacated.

2. Within thirty days of the approval of the minutes of the meeting at which this Resolution is adopted, the City shall record this Resolution with the Oakland County Register of Deeds.
3. The vacation of the described portion of the public road shall be effective on the day following the recording of this Resolution with the Oakland County Register of Deeds.

**CERTIFICATION**

It is hereby certified that the foregoing Resolution was adopted by the City Council of the City of Novi, Oakland County, Michigan, at a meeting duly held on March 22, 2010.

CITY OF NOVI

\_\_\_\_\_  
Date

BY: \_\_\_\_\_  
MARYANNE CORNELIUS, CLERK

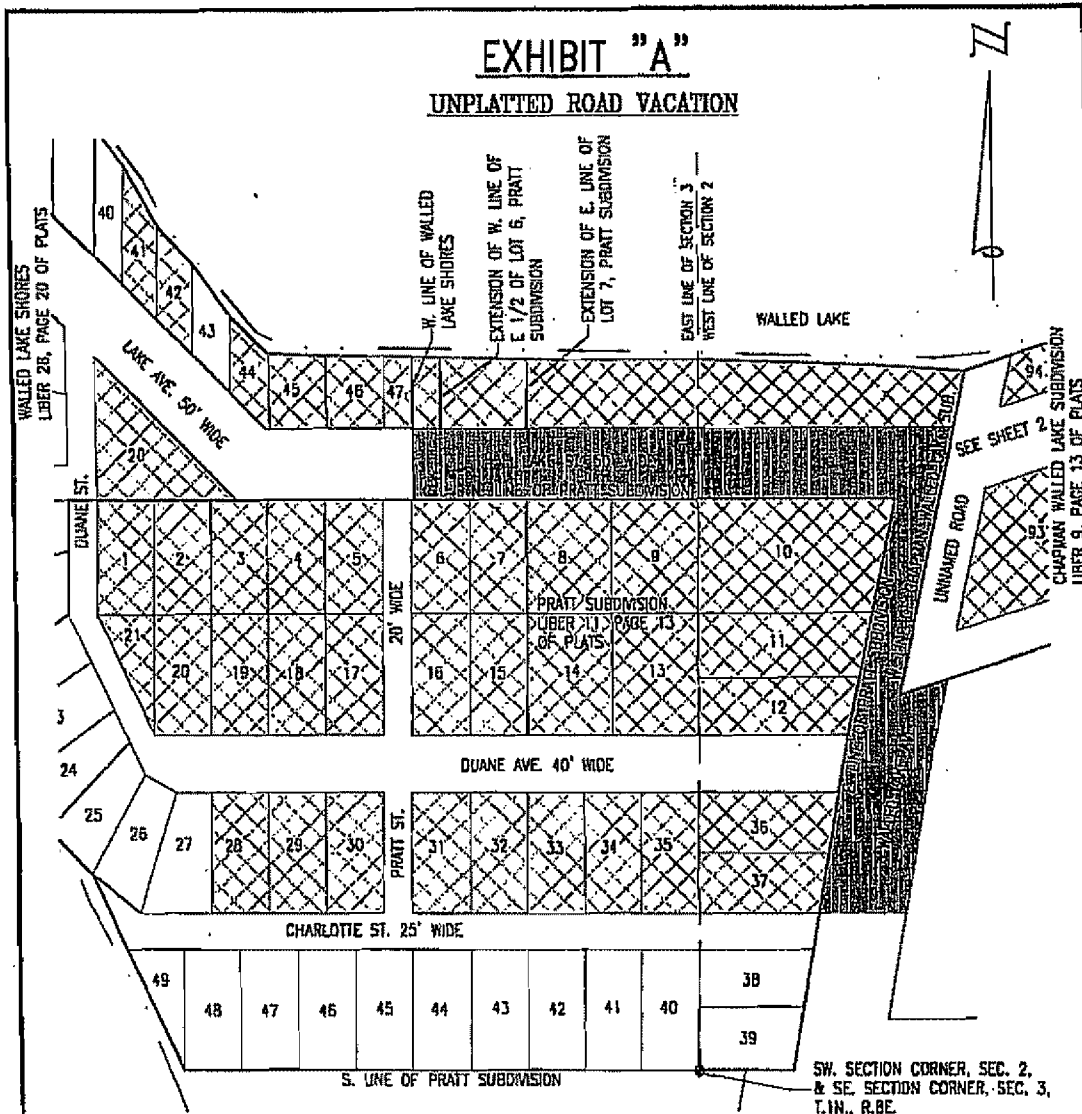
Prepared by:  
Thomas R. Schultz, Esq.  
30903 Northwestern Hwy.  
Farmington Hills, MI 48333-3040

After recording, return to:  
Maryanne Cornelius, Clerk  
City of Novi  
45175 W. Ten Mile Road  
Novi, Michigan 48375

1393419

# EXHIBIT "A"

## UNPLATTED ROAD VACATION



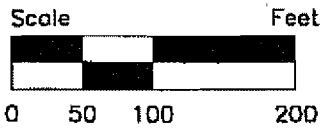
ROAD RIGHT OF WAY TO BE VACATED, LOCATED ON UNPLATTED PARCELS DESCRIBED AS:



A PARCEL OF LAND LOCATED IN THE SOUTHWEST FRACTIONAL 1/4 OF SECTION 2, T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY, MICHIGAN. MORE PARTICULARLY DESCRIBED AS:

THAT PORTION OF WALLED LAKE AVENUE IN SAID SOUTHWEST FRACTIONAL 1/4 OF SECTION 2, LYING NORTH OF THE EXTENSION OF THE SOUTH LINE OF LOT 37, AS PLATTED IN PRATT SUBDIVISION, RECORDED IN LIBER 11, PAGE 32 OF PLATS, OAKLAND COUNTY RECORDS.

ALSO A PARCEL OF LAND LOCATED IN THE SOUTHEAST FRACTIONAL 1/4 OF SECTION 3, T.1N., R.8E., CITY OF NOVI, OAKLAND COUNTY MICHIGAN. MORE PARTICULARLY DESCRIBED AS:

THAT PORTION OF LAKE STREET LYING BETWEEN THE EXTENSION OF THE WEST LINE OF THE EAST 1/2 OF LOT 8, AS PLATTED IN PRATT SUBDIVISION, RECORDED IN LIBER 11, PAGE 32 OF PLATS, OAKLAND COUNTY RECORDS AND THE WEST LINE OF CHAPMAN WALLED LAKE SUBDIVISION, AS RECORDED IN LIBER 9, PAGE 13 OF PLATS, OAKLAND COUNTY RECORDS.



 = CITY-OWNED PROPERTY  
 = ROAD TO BE VACATED



CITY OF NOVI ROAD VACATIONS PART OF UNPLATTED LAND IN SECTIONS 2 & 3, T.1N., R.8E., CITY OF NOVI, OAKLAND CO., MICHIGAN ROAD VACATION SKETCH		SHEET <b>4</b> OF 5
CLIENT: CITY OF NOVI 34000 Plymouth Road   Livonia, MI 48150   P (734) 522-6711   F (734) 522-6427   WWW.OHM-ADVISORS.COM		OHM