



CITY OF PONTIAC
OFFICE OF THE EMERGENCY MANAGER
LOUIS H. SCHIMMEL

47450 Woodward Avenue
Pontiac, Michigan 48342
Telephone: (248) 758-3133
Fax: (248) 758-3292

Dated: November 29, 2011

ORDER NO. S-118

RE: Street Right of Way Vacation Requests

TO: James Sabo, Wade Trim
John Balint, Tucker Young Jackson Tull
Sherikia Hawkins, City Clerk

The Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011) in Section 17(1) empowers an Emergency Manager to issue the orders the Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local officials or employees to whom they are issued. Section 19(1) provides that an Emergency Manager may take on one or more additional actions with respect to a local government in receivership: (ee) Take any other action or exercise any power or authority of any officer, employee, department, board, commission, or other similar entity of the local government, whether elected or appointed, relating to the operation of the local government. The power of the emergency manager shall be superior to and supersede the power of any of the foregoing officers or entities...; and 19(2) ...the authority of the chief administrative officer and governing body to exercise power for and on behalf of the local government under law, charter, and ordinance shall be suspended and vested in the Emergency Manager.

WHEREAS, a Public Hearing was held on November 2, 2011, by the Pontiac Planning Commission on a request submitted by the City of Pontiac and Pontiac Tax Increment Financing Authority 47450 Woodward Avenue Pontiac, MI; for abandonment of the City's interest in a portion of Golf Drive (approximately 1,056 feet long) between Canterbury Drive and Oak Valley Drive;

WHEREAS, the Pontiac Planning Commission is in receipt of the Planning Department report relative to the request submitted by the City of Pontiac and Pontiac Tax Increment Financing Authority 47450 Woodward Avenue Pontiac, MI; for abandonment of the City's interest in a portion of Golf Drive (approximately 1,056 feet long) between Canterbury Drive and Oak Valley Drive; legally described as:

Land described as part of the NE 1/4 of Section 6, T.2N., R.10E., City of Pontiac and Bloomfield Township, Oakland County, Michigan, being more particularly described as follows:

Commencing at the NE corner of said Section 6, said point being distant N.87°32'27"E., 29.48 feet (as measured) from the southeast corner of Section 31, T.3N., R.10E.; thence S.01°59'37"E. along the east line of said Section 6, 239.86 feet (as measured) to a point on the north line of Golf Drive (100 feet wide), said point being distant N.01°59'37"W., 3033.77 feet from the east 1/4 corner of said Section 6; thence following four (4) courses along the north line of said Golf Drive: (1) 22.07 feet along an arc of a curve to the right (radius 773.21 feet, central angle 01°38'07", long chord bears N.76°33'34"W., 22.07 feet) and (2) 363.47 feet along an arc of a curve to the right (radius 1110.09 feet, central angle 18°45'36", long chord bears N.66°21'44"W., 361.85 feet) to a point of reverse curvature and (3) 378.78 feet along an arc of a curve to the left (radius 615.20 feet, central angle 35°16'39", long chord bears N.74°37'16"W., 372.83 feet to a point of tangency and (4) S.87°44'24"W., 246.01 feet to the point of beginning of the right-of-way dedication; thence S.02°15'36"E., 45.39 feet to a point on the westerly line of relocated Fairfax Road and northerly line of relocated Golf Drive (70 feet wide); thence continuing along the westerly line of said relocated Fairfax Road and northerly line of said relocated Golf Drive 131.94 feet along a curve to the left (radius 605.00 feet, central angle 12°29'43", long chord bears S.63°14'14"W., 131.68 feet) to a point on the existing southerly line of said Golf Drive (100 feet wide); thence S.87°44'24"W., along the existing southerly line of said Golf Drive, 156.56 feet to a point on the northerly line of said relocated Golf Drive; thence along said right-of-way line 77.01 feet along the arc of a curve to the left (radius 600.00 feet, central angle 07°21'13", long chord bears N.66°20'30"W., 76.95 feet) to a point on the corporation line of the City of Pontiac and Bloomfield Township; thence along said corporation line the following two (2) courses: (1) N.01°13'39"W., 27.86 feet and (2) S.87°40'58"W., 86.34 feet to a point on the aforementioned northerly right-of-way of Golf Drive as relocated; thence along said right-of-way the following two (2) courses: (1) 84.66 feet along the arc of a curve to the left (radius 600.00 feet, central angle 08°05'04", long chord bears N.82°41'02"W., 84.59 feet) to a point on a line parallel to and 24.52 feet to the south of the existing northerly right-of-way line of said Golf Drive (width varies) and (2) S.87°44'24"W., along said line, 1056.11 feet; thence N.02°25'36"W., 24.52 feet to a point on the north line of said Golf Drive (100 feet wide); thence N.87°44'24"E., along the north line of said Golf Drive, 1571.02 feet to the point of beginning.

Containing 61,489 sq.ft. or 1.412 acres of land, more or less.

WHEREAS, the Pontiac City Planning Commission finds that the proposed street vacation will not restrict / hinder access and service to surrounding properties; and

WHEREAS, the City Planning Commission found that the appropriate public utility or public authority shall assume responsibility for maintenance of the water lines and sanitary lines within the vacated portion of the right of way described herein; and

WHEREAS, the City Planning Commission found that maintaining a full-width easement for the maintenance of utilities for the proposed street vacation would not adversely affect surrounding properties.

and;

WHEREAS, a Public Hearing was held on November 2, 2011, by the Pontiac Planning Commission on a request submitted by the City of Pontiac and Pontiac Tax Increment Financing Authority 47450 Woodward Avenue Pontiac, MI; for abandonment of the City's interest in a portion of Fisher Avenue from Bagley Street to City of Pontiac Crystal Lake Park between parcels 14-32-403-016 and 14-32-404-006. Property is part of Pontiac Municipal Golf Course;

WHEREAS, the Pontiac Planning Commission is in receipt of the Planning Department report relative to the request submitted by the City of Pontiac and Pontiac Tax Increment Financing Authority 47450 Woodward Avenue Pontiac, MI; for abandonment of the City's interest in a portion of Fisher Avenue from Bagley Street to City of Pontiac Crystal Lake Park between parcels 14-32-403-016 and 14-32-404-006. Property is part of Pontiac Municipal Golf Course; legally described as:

Land described as part of the Southeast 1/4 of Section 32, T.3N., R.10E., City of Pontiac, Oakland County, Michigan, being more particularly described as follows:

That portion of existing Fisher Avenue (50 feet wide) adjacent to Lots 129 through 138, inclusive and also part of existing Fisher Avenue adjacent to vacated alley between Lots 132 and 133 and Lots 134 and 135, all being part of "Gillespie and Van Wagoner Addition" being part of the SE 1/4 of Section 32, T.3N., R.10E., City of Pontiac, Oakland County, Michigan as recorded in Liber 6, Page 38, Oakland County records.

Containing 13,214 sq. ft. or 0.303 acres of land, more or less.

WHEREAS, the Pontiac City Planning Commission found that the proposed street vacation will not restrict / hinder access and service to surrounding properties; and

WHEREAS, the City Planning Commission found that the appropriate public utility or public authority shall assume responsibility for maintenance of the water lines and sanitary lines within the vacated portion of the right of way described herein; and

WHEREAS, the City Planning Commission found that maintaining a full-width easement for the maintenance of utilities for the proposed street vacation would not adversely affect surrounding properties.

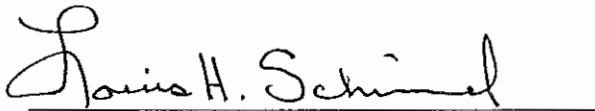
It is hereby ordered:

1. That the request submitted by the City of Pontiac and Pontiac Tax Increment Financing Authority 47450 Woodward Avenue Pontiac, MI; for abandonment of the City's interest in a portion of Golf Drive (approximately 1,056 feet long) between Canterbury Drive and Oak Valley Drive is hereby approved subject to the retention of a full-width utility easement for maintenance of utilities.
2. That the request submitted by the City of Pontiac and Pontiac Tax Increment Financing Authority 47450 Woodward Avenue Pontiac, MI; for abandonment of the City's interest in a portion of Fisher Avenue from Bagley Street to City of Pontiac Crystal Lake Park between parcels 14-32-403-016 and 14-32-404-006 is hereby approved subject to the retention of a full-width utility easement for maintenance of utilities.
3. That the City Clerk and the Assistant to the Emergency Manager take all steps necessary to record this vacation with all appropriate government entities

The Order shall have immediate effect.

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and the Law Department and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (Public Act 442 of 1976, MCL 15.231, et. seq.).

This Order is necessary in order to carry out the duties and responsibilities required of the Emergency Manager as set forth in the **Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011)** and the contract between the State of Michigan and the Emergency Manager.



Louis H. Schimmel
City of Pontiac
Emergency Manager

cc: State of Michigan Department of Treasury
Mayor Leon B. Jukowski
Pontiac City Council