



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: August 6, 2012

ORDER NO. S-229

RE: Street Right of Way Vacation

TO: James Sabo, Wade Trim
John Balint, Deputy Director, Department of Public Works/City Engineer
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 July 11, 2012, by the Pontiac Planning Commission on a request submitted by Paddock Street Properties, LLC, 1111 W. Long Lake Road, Suite 202, Troy, MI; for abandonment of the City's interest in a portion of S. Jessie Street (approximately 180 feet long) between S. Paddock/Irwin Avenue and Grand Trunk Western Railroad right-of-way; and,

WHEREAS, the Pontiac Planning Commission is in receipt of the Planning Department report relative to the request submitted by Paddock Street Properties, LLC, 1111 W. Long Lake Road, Suite 202, Troy, MI; for abandonment of the City's interest in a portion of S. Jessie Street (approximately 180 feet long) between S. Paddock/Irwin Avenue and Grand Trunk Western Railroad right-of-way legally described as:

LEGAL DESCRIPTION OF WEST 1/2 OF JESSIE STREET VACATED:

LAND SITUATED IN TOWN 3 NORTH, RANGE 10 EAST, SECTION 33, CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:

THE WESTERLY ONE-HALF (1/2) OF JESSIE STREET VACATED (30-FOOT WIDE HALF-WIDTH) LYING BETWEEN THE SOUTHERLY LINE OF IRWIN AVENUE EXTENDED AND THE NORTHERLY LINE OF GRAND TRUNK WESTERN RAILROAD, FURTHER DESCRIBED AS BEGINNING AT THE NORTH CORNER OF LOT 249 OF "FERRY FARM ADDITION", A SUBDIVISION AS RECORDED IN LIBER 5, PAGE 45 OF PLATS, OAKLAND COUNTY RECORDS; THENCE S 57°15'00" E, 36.17 FEET ALONG THE SOUTHERLY LINE OF IRWIN AVENUE EXTENDED; THENCE S 01°12'15" E, 180.46 FEET TO A POINT ON THE NORTHERLY LINE OF GRAND TRUNK WESTERN RAILROAD; THENCE N 57°15'00" W, 36.17 FEET ALONG SAID NORTHERLY LINE OF GRAND TRUNK WESTERN RAILROAD TO A POINT ON THE WESTERLY LINE OF JESSIE STREET; THENCE N 01°12'15" W, 180.46 FEET ALONG SAID WESTERLY LINE OF JESSIE STREET TO THE POINT OF BEGINNING.

CONTAINING 0.124 ACRES, MORE OR LESS.

LEGAL DESCRIPTION OF EAST 1/2 OF JESSIE STREET VACATED:

LAND SITUATED IN TOWN 3 NORTH, RANGE 10 EAST, SECTION 33, CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:

THE EASTERLY ONE-HALF (1/2) OF JESSIE STREET VACATED (30-FOOT WIDE HALF-WIDTH) LYING BETWEEN THE SOUTHERLY LINE OF IRWIN AVENUE EXTENDED, THE WESTERLY LINE OF CENTRAL AVENUE AND THE NORTHERLY LINE OF GRAND TRUNK WESTERN RAILROAD, FURTHER DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF LOT 250 OF "FERRY FARM ADDITION", A SUBDIVISION AS RECORDED IN LIBER 5, PAGE 45 OF PLATS, OAKLAND COUNTY RECORDS; THENCE S 01°12'15" E, 145.65 FEET ALONG THE EASTERLY LINE OF JESSIE STREET TO A POINT ON THE WESTERLY LINE OF CENTRAL AVENUE; THENCE S 39°57'47" W, 29.11 FEET ALONG SAID WESTERLY LINE OF CENTRAL AVENUE TO A POINT ON THE NORTHERLY LINE OF GRAND TRUNK WESTERN RAILROAD; THENCE N 57°15'00" W, 13.07 FEET ALONG SAID NORTHERLY LINE OF GRAND TRUNK WESTERN RAILROAD; THENCE N 01°12'15" W, 180.46 FEET TO A POINT ON THE SOUTH LINE OF IRWIN AVENUE EXTENDED; THENCE S 57°15'00" E, 36.17 FEET ALONG SAID SOUTH LINE OF IRWIN AVENUE EXTENDED TO THE POINT OF BEGINNING.

CONTAINING 0.117 ACRES, 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.

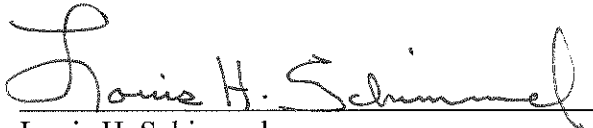
It is hereby ordered:

1. That the request submitted by Paddock Street Properties, LLC, 1111 W. Long Lake Road, Suite 202, Troy, MI for abandonment of the City's interest in a portion of S. Jessie Street (approximately 180 feet long) between S. Paddock/Irwin Avenue and Grand Trunk Western Railroad right-of-way is hereby approved subject to the retention of a full-width utility easement for maintenance of utilities.
2. That the City Clerk and the City Engineer 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