

Detroit Edison



OCT 31 1999

CORPORATE REAL ESTATE SERVICES

Project No.: RO4957

Date: October 21, 1998
To: Brenda Golson
Records Center
From: John Erb *[Signature]*
Subject: Road Abandonment

Attached are papers related to a road abandonment, dated September 19, 1997, abandoning a portion of Quarton Road near Woodward in Birmingham. Please note an easement for public utilities was retained over the entire parcel.

The easement is located in the NW 1/4 of Section 25, City of Birmingham, Bloomfield Township, Oakland County, Michigan.

Please incorporate copies of these papers into the appropriate record center file.

Attachments

cc: C. Groncki
R. Bednarz
F. Vaderna
Marcia Romanski

62606
RECORDED R/W FILE NO.



QUALITY LIFE THROUGH GOOD ROADS
ROAD COMMISSION FOR OAKLAND COUNTY
"WE CARE"

Brent O. Bair
Managing Director

**Office of
General Counsel**

Patrick J. Carty
Director

Dianne M. Hersey
Chief Litigation Attorney

Nancy T. Slusky
Contracts Administration
Attorney

Keith J. Norman
Attorney

31001 Lahser Road
Beverly Hills, MI
48025

248-645-2000

FAX

248-645-6277



248-645-9923

September 19, 1997

62606

RECORDED R/W FILE NO.

ALEX FRATARCANGELI
2507 W MAPLE ROAD
BIRMINGHAM MI 48010

**Re: Abandonment of Quarton Road
City of Birmingham**

Dear Mr. Fratarcangeli:

Enclosed, for your records, is a recorded copy of the Board of Road Commissioners' resolution granting your abandonment request.

Also enclosed is a copy of a classified advertisement of that determination currently running in the Legal News. On the last date the ad runs, the abandonment process is final.

In my opinion, the abandonment does not automatically convert the effected roadway into private property. In order to do that you must file a lawsuit pursuant to the Subdivision Control Act of 1969. I urge you to consult with an attorney on that matter.

Yours very truly,

Keith J. Norman
Legal Department

KJN/smc
enclosure

cc: Richard D. Rattner, Esq.
MDOT
Engineering
Right-of-Way
Maintenance
Traffic-Safety
Planning & Development
S.I.D.
City of Birmingham
Consumers Power Co.
Drain Commissioner
Michigan Bell
Detroit Edison

62606

RECORDED R/W FILE NO.

Attached is a copy of a Legal Notice now running in the OAKLAND COUNTY LEGAL NEWS

P.O. Box 430238
Pontiac, MI 48343-0238

Telephone (248) 338-4567
Detroit & South Oakland Callers (313) 961-2023
Facsimile (248) 338-4240

NOTICE OF DETERMINATION
OAKLAND COUNTY ROAD
ABANDONED

PLEASE TAKE NOTICE that the Board of County Road Commissioners of the County of Oakland, Michigan, during a meeting held in Beverly Hills, Michigan on the 30th day of July, 1997, determined to:

ABANDON AND ABSOLUTELY DISCONTINUE FOR HIGHWAY USE

Part of Quailport Road (Rch) was formerly part of Lots 708 and 710 of Quailport Lake Estates Subdivision, a subdivision of part of the East 1/2 of Section 28 and parts of the NE 1/4 of Section 35 and the NW 1/4 of Section 25, T2N, R10E, City of Birmingham, (formerly Bloomfield Township), Oakland County, Michigan, according to the plat thereof, as recorded in Lib 14 of Plats, pages 6, 8A and 6B, Oakland County Records, being more particularly described as commencing at the NE corner of said Lot 708; thence S.24°12'50"E., 68.37 feet along the East line of said Lot 708; thence N.88°54'10"W., 83.85 feet (recorded as 54.3 feet) to the NE corner of Lot 34 and point of beginning; said Lot 34 is located within Quailport Lake Estates Subdivision, a subdivision of part of the East 1/2 of Section 28 and parts of the NE 1/4 of Section 35 and the NW 1/4 of Section 25, T2N, R10E, City of Birmingham, (formerly Bloomfield Township), Oakland County, Michigan, according to the plat thereof, as recorded in Lib 14 of Plats, pages 6, 8A and 6B, Oakland County Records; thence continuing N.88°54'10"W., 121.10 feet along the North line of said Lot 34 to the NW corner thereof; thence N.24°12'50"W., 38.50 feet along the Northern prolongation of the West line of said Lot 34; thence S.88°54'10"E., 121.10 feet along a line 60.00 feet South of, measured at right angles to and parallel with the North line of Section 25, T2N, R10E, City of Birmingham; thence S.24°12'50"E., 38.50 feet along the Northern prolongation of the East line of said Lot 34 to the point of beginning.

The Board reserves an easement for public utility purposes in all of the above-described land.

BOARD OF COUNTY ROAD COMMISSIONERS

Richard G. Skarrit, Chairman
Rudy D. Lozano, Vice-Chairman
Larry P. Craike, Commissioner
By: Brent O. Blair, Managing Director

CONTACT: KEITH J. NORMAN

Legal Department
Board of County Road Commissioners
31001 Lahar Road
Beverly Hills, MI 48025
Published-September 12-28, 1997
Oakland County Legal News

PLEASE READ CAREFULLY AND IF YOU FIND ANY ERRORS, NOTIFY US IMMEDIATELY SO THEY MAY BE CORRECTED.

AUG 4 97 17695

LIBER 17446PG559

62696
RECORDED R/W FILE NO.

PLAT MISC RECORDING CHG - ROAD COMMISSIONERS

PLAT REMON CHG - ROAD COMMISSIONERS

RESOLUTION FOR ABANDONMENT

COPY OF RESOLUTION ADOPTED BY THE
BOARD OF COUNTY ROAD COMMISSIONERS
OF THE COUNTY OF OAKLAND, MICHIGAN,
UNDER DATE OF JUL 30 1997

WHEREAS, this Board has heretofore received a petition in accordance with 1909 PA 283, as amended, being MCL 224.18, MSA 9.118, for the absolute abandonment and discontinuance of a portion of Quarton Road in the City of Birmingham, a public roadway under the jurisdiction and control of this Board; and

WHEREAS, a public hearing was held, at which time no one was present to voice objection to said petition; and

WHEREAS, this Board has considered the necessity and advisability of absolutely abandoning and discontinuing the portion of Quarton Road pursuant to the petition, and a field inspection was conducted to view the premises described in the petition; and

WHEREAS, in determining the advisability of this abandonment in conformance with the statute, opposition was registered with respect to the subject petition.

WHEREAS, there are no buildings located along the portion of the public road sought to be abandoned which are on the land owned by the petitioner herein; and

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby declares and determines that it is in the best interest of the public to absolutely abandon and discontinue a portion of the subject public road being described as follows:

Part of Quarton Road which was formerly part of Lots 709 and 710 of "Quarton Lake Estates Subdivision", a subdivision of part of the East 1/2 of Section 26 and parts of the NE 1/4 of Section 35 and the NW 1/4 of Section 25, T2N, R10E, City of Birmingham, (formerly Bloomfield Township), Oakland County, Michigan, according to the plat thereof, as recorded in Liber 14 of Plats, pages 6, 6A and 6B, Oakland County Records, being more particularly described as commencing at the NE corner of said Lot 709; thence S.24°12'50"E., 66.37 feet along the East line of said Lot 709; thence N.88°54'10"W., 53.85 feet (recorded as 54.3 feet) to the NE corner of Lot 34 and point of beginning, said Lot 34 is located within "Quarton Lake Estates replat of East part of Quarton Lake Estates Subdivision", as recorded in Liber 38 of Plats, pages 24 and 24A, Oakland County Records; thence continuing N.88°54'10"W., 121.10 feet along the North line of said Lot 34 to the NW corner thereof; thence N.24°12'50"W., 36.50 feet along the Northerly prolongation of the West line of said Lot 34; thence S.88°54'10"E., 121.10 feet along a line 60.00 feet South of, measured at right angles to and parallel with the North line of Section 25, T2N, R10E, City of Birmingham; thence S.24°12'50"E., 36.50 feet along the Northerly prolongation of the East line of said Lot 34 to the point of beginning.

900
700
Road
Chg

14006

Pt. of Quarton Road
- No Sidwell

O.K. - MJ

BE IT FURTHER RESOLVED that this Board grants the request for abandonment of the above-described public road and said public road is absolutely abandoned and discontinued, subject to an easement for public utility purposes.

I hereby certify that the above is a true and correct copy of a resolution adopted by the Board of County Road Commissioners of the County of Oakland, Michigan, under date of

JUL 30 1997



Deborah Mathews

Deputy-Secretary/Clerk of the Board

RECORDED R/W FILE NO. 621

CIRCULATOR'S AFFIDAVIT

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

62606
RECORDED R/W FILE NO.

I, ALEX FRATARCANGELI, being first duly sworn, depose and state that the following is a true and correct list of the owners of record ascertained from the records of the Oakland County Register of Deeds, as well as the names and addresses of the occupants of each parcel of land abutting the roadway, alleyway or portion thereof sought to be abandoned and discontinued, being more particularly described as follows:

(description of road)

The last 50 feet of Lot 29 and all of Lots 30, 31, 32, 33 and 34, of QUARTON LAKES ESTATES SUBDIVISION, according to the Plat thereof recorded in Liber 38 of Plats, pages 24 and 24A, Oakland County Records, more commonly known as 1599 North Woodward Avenue.
Sidwell No. 19-25-101-006

(Please print or type the following information)

Name

Address and Lot Number

Owner of subject property:

Joseph Raboi and Anita Raboi, his wife (Land Contract Vendors)

Alex Fratarcangeli (Land Contract Vendee)

The property sought to be abandoned abuts the subject property only to the best of Circulator's knowledge.

Signature of Circulator

Subscribed and sworn to before me this 14th day of October, 1996

Christina V. Romanowski

Notary Public, Oakland County, MI
My commission expires: _____

CHRISTINA V. ROMANOWSKI
Notary Public, Macomb County, MI
My Commission Expires Oct. 17 1999
Acting in Oakland County, MI

PETITION TO ABANDON
COUNTY ROADWAY, ALLEYWAY OR PORTION THEREOF

As of September 1, 1996

Date

City

Birmingham

We, the undersigned freeholders of the ~~TOWNSHIP~~ of Birmingham,
Oakland County, Michigan, respectfully request the Board of County Road
Commissioners of the County of Oakland, State of Michigan, a public body
corporate, to absolutely abandon and discontinue the following-described county
roadway, alleyway or portion thereof:



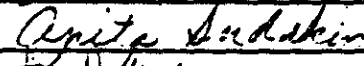


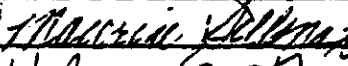


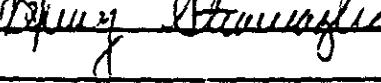
Please see attached diagram of property which Petitioner respectfully requests
be abandoned, located at the southwest corner of Quarton and Woodward commonly
known as 1599 North Woodward Avenue, Birmingham, Michigan.

for the following reason(s):

Petitioner has demolished the gas station on his property and now desires to
construct a new office/retail structure. Petitioner proposes to use the
abandoned property as a parking area for the new structure.


There (is a / are not any) building(s) upon or along the said described
county roadway, alleyway or portion thereof sought to be absolutely abandoned
and discontinued.

(to be signed by at least 7 freeholders in the township)

| | |
|---|--|
|  | 201 LINCOLN Birmingham, Mi |
|  | 821 Hazelton Birmingham MI 48009 |
|  | 737 Maple Hill Lane - Birmingham 48009 |
|  | 265 PILGRIM BIRMINGHAM MI 48009 |
|  | 1383 Cedar Birmingham MI 48009 |
|  | 1092 W. Y Maple, B'ham MI 48009 |
|  | 459 Wetcher B'ham MI 48009 |
|  | 1123 Bird Ave B'ham MI 48009 |
|  | 2541 Pembroke B'ham MI 48009 |

* PLEASE SEE ATTACHED PAGE 2.

Please forward all future correspondence care of:
Richard D. Rattner, Esq., Williams, Schaefer, Ruby
& Williams, P.C., 380 North Woodward Avenue, Suite
300, Birmingham, Michigan 48009


Name of Petitioner
ALEX FRATARCANGELI
2507 West Maple
Birmingham, Michigan 48010
Address of Petitioner
(310) 642-2082

Phone Number

62606

RECORDED R/W FILE NO.

**PAGE 2 ATTACHED TO PETITION TO
ABANDON COUNTY ROADWAY, ALLEYWAY OR PORTION THEREOF**

| | |
|---------------------|---|
| Andy Capton | 201 Linden, Birmingham, Michigan |
| Lori Eich | 821 Henrietta, Birmingham, Michigan 48009 |
| Anita Sudakin | 737 Maple Hill Lane, Birmingham, Michigan 48009 |
| Signature illegible | 265 Pilgrim, Birmingham, Michigan 48009 |
| Signature illegible | 1383 Cedar, Birmingham, Michigan 48009 |
| Maureen Sillman | 1092 West Maple, Birmingham, Michigan 48009 |
| Helen Smith | 259 Westchester, Birmingham, Michigan 48009 |
| Renee Gucciardo | 1123 Bird Avenue, Birmingham, Michigan 48009 |
| Henry Straniaglia | 2841 Pembroke, Birmingham, Michigan 48009 |

PLEASE NOTE:

1. Petitioner is a Land Contract Vendee (said Land Contract having been assigned to Petitioner from a prior Land Contract Vendee).
2. The Fee Owners of the property will sign a form similar to Exhibit B, attached.
3. A copy of the Warranty Deed to the fee holder is attached as Exhibit C.
4. A copy of the Purchaser's Assignment of Land Contract from prior Vendee to Petitioner is attached as Exhibit D.
5. Copies of the Quit Claim Deed (from prior Vendee) to the Petitioner and the Memorandum of Land Contract between Petition and Fee Owner is attached as Exhibit E.
6. See copy of facsimile transmittal from Mr. Fanzini advising that the Birmingham City Engineer has no objection to the abandonment, attached as Exhibit F.

62606

RECORDED R/W FILE NO.

62606

RECORDED R/W FILE NO.

(6)

The East 30 feet of Lot 29 and all of Lots 30, 31, 32, 33, and 34, of QUARTON LAKE ESTATES SUBDIVISION, according to the plat thereof recorded in Liber 38 of Plats, pages 24 and 24A, Oakland County Records. (Commonly known as 1599 North Woodward)

38024



PETITION TO ABANDON
COUNTY ROADWAY, ALLEYWAY OR PORTION THEREOF

As of September 1, 1996
Date

62606
RECORDED R/W FILE NO.

We, the undersigned Fee Owners of the property, consent to, and ~~Oakland County, Michigan~~, respectfully request the Board of County Road Commissioners of the County of Oakland, State of Michigan, a public body corporate, to absolutely abandon and discontinue the following-described county roadway, alleyway or portion thereof:

Please see attached diagram of property which Petitioner respectfully requests be abandoned, located at the southwest corner of Quarton and Woodward commonly known as 1599 North Woodward Avenue, Birmingham, Michigan.

for the following reason(s):

Petitioner has demolished the gas station on his property and now desires to construct a new office/retail structure. Petitioner proposes to use the abandoned property as a parking area for the new structure.

There (is a / are not any) building(s) upon or along the said described county roadway, alleyway or portion thereof sought to be absolutely abandoned and discontinued.

(to be signed by at least 7 freeholders in the township)

X

Joseph Raboi, 4270 Pinehurst, West Bloomfield, MI 48033

X

Anita Raboi, 4270 Pinehurst, West Bloomfield, MI 48033



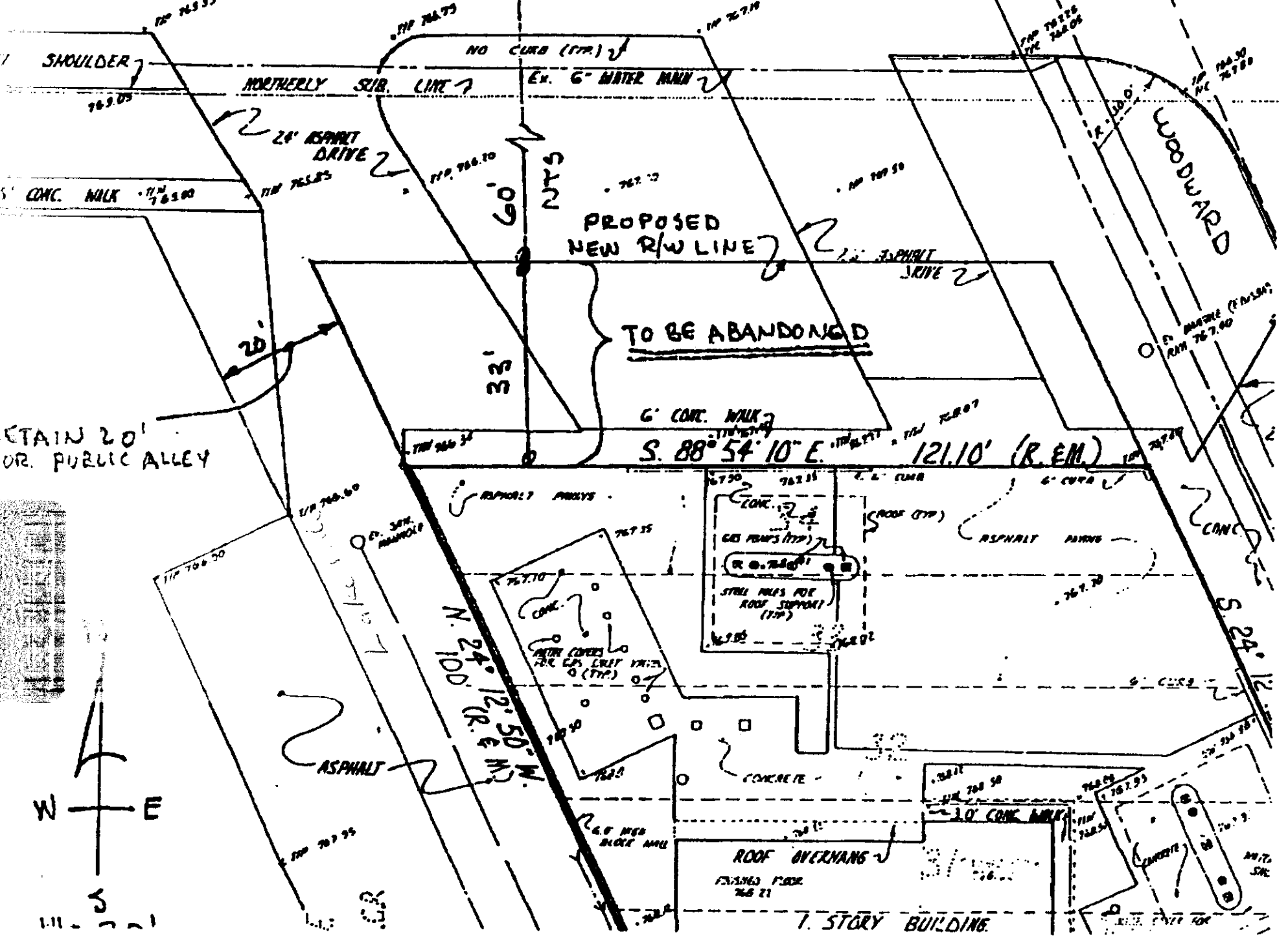
Name of Petitioner

Address of Petitioner

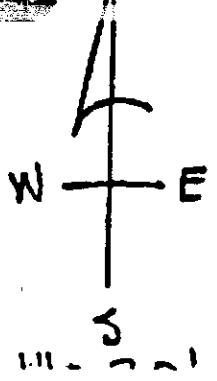
Phone Number

QUARTON (S.T.S.)

RECORDED R/W FILE NO. 62608



RETAIN 20' OR. PUBLIC ALLEY



PROPOSED NEW R/W LINE

TO BE ABANDONED

WOODWARD

S. 88° 54' 10" E. 121.10' (R.E.M.)

N. 24° 12' 50" W. 100.00' (R.E.M.)

1. STORY BUILDING

ROOF OVERHANG

FINISHED FLOOR

2.6' HIGH BLOCK WALL

3.0' CONC. WALK

STEEL PILES FOR ROOF SUPPORT (TYP)

GAS PUMPS (TYP)

CONC.

ROOF (TYP)

ASPHALT PAVING

T.E. CURB

6' CONC. WALK

ASPHALT DRIVE

ASPHALT

CONC.

METER COVERS FOR GAS LINES (TYP)

CONC.

6" DIA. MANHOLE

11/4" CONC. WALK

5' CONC. WALK

SHOULDER

NORTHERLY SUB. LINE 7

NO CURB (TYP)

EX. 6" WATER MAIN

7/8" CONC. WALK

6" DIA. MANHOLE (P/1000) FOR R/W 767.60

5' 24" CONC. WALK

CONC.

ASPHALT DRIVE

CONC.

CONC.

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