NOTICE OF PUBLIC HEARINGS

BIRMINGHAM CITY COMMISSION
PUBLIC HEARING OF NECESSITY PUBLIC HEARING OF CONFIRMATION

Meeting Date, Time, Location:	HEARING OF NECESSITY FOR SPECIAL ASSESSMENT DISTRICT Monday, August 11, 2014, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI
Meeting Date, Time, Location:	HEARING OF CONFIRMATION FOR SPECIAL ASSESSMENT DISTRICT Monday, August 25, 2014, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI
Location:	west side of Stanley Ave, adjacent to 508 West Lincoln
Nature of Improvement:	Installation of new sidewalk on the west side of Stanley Ave, adjacent to 508 W. Lincoln Ave.
City Staff Contact:	Paul O'Meara 248.530.1836 pomeara@bhamgov.org
Notice Requirements:	Mail to affected property owners Publish July 20 & 27, 2014
Approved minutes may be reviewed at:	City Clerk's Office

You or your agent may appear at the hearings to express your views; however, if you fail to protest either in person or by letter received on or before the date of the hearing, you cannot appeal the amount of the special assessment to the Michigan Tax Tribunal. Mail any correspondence to: City Clerk, P.O. Box 3001, Birmingham, MI 48012.

The property owner may file a written appeal of the special assessment with the State Tax Tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the roll.

All special assessments, including installment payments, shall, from the date of the confirmation thereof, constitute a lien on the respective lots or parcels assessed, and until paid shall be charged against the respective owners of the lots or parcels assessed.

Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at 248.530.1880 (voice) or 248.644.5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.

City of Birmingham
A Walkable Community

MEMORANDUM

Finance Department

DATE: **August 15, 2014**

TO: **Joseph A. Valentine, City Manager**

FROM: **Janet M. Laing MAAO (3), Billing Manager**

SUBJECT: **Resolution for Confirming S.A.D. #862- Stanley Boulevard Sidewalk-Wallace Street to West Lincoln Avenue**

For purposes of installation of new sidewalks that would specially benefit properties on the west side of Stanley Boulevard-Wallace Street to West Lincoln Avenue, it is requested that the City Commission adopt the following resolution confirming S.A.D. No. 862 at the regular City Commission meeting of August 25, 2014. Comments during the hearing of confirmation are limited to those questions specifically addressing the assessment roll pursuant to Section 94-9 of the City Code. The hearing declaring the necessity of the Special Assessment District was held at the City Commission meeting of August 11th, 2014.

SUGGESTED RESOLUTION:
To confirm Special Assessment Roll No. 862, to defray the cost of construction of new sidewalks on Stanley Boulevard-Wallace Street to West Lincoln Avenue:

WHEREAS, Special Assessment Roll, designated Roll No. 862, has been heretofore prepared by the Billing Manager for collection, and

WHEREAS, notice was given pursuant to Section 94-7 of the City Code, to each owner or party-in-interest of property to be assessed, and

WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made at a date closer to the time of construction and

Commission Resolution 08-195-14 provided it would meet this 25th day of August, 2014 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this August 25th, 2014, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll as determined in Section 94-9 of the Code of the City of Birmingham,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 862 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that special assessments shall be payable in full without interest or penalties within the sixty (60) day billing period, or in ten (10) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of four and a quarter percent (4.25%) on all unpaid installments.

SPECIAL ASSESSMENT DISTRICT ROLL #862
Stanley Boulevard Sidewalk-Wallace Street to West Lincoln Avenue

SIDWELL #	ADDRESS	ESTIMATED COST
19-36-158-016	508 W. Lincoln Avenue	$1,900
TOTAL		**$1,900**

City of Birmingham
A Walkable Community

MEMORANDUM

Engineering Dept.

DATE: **August 14, 2014**

TO: **Joseph A. Valentine, City Manager**

FROM: **Paul T. O'Meara, City Engineer**

SUBJECT: **Proposed Sidewalk Extension**
508 W. Lincoln Ave.

At the meeting of August 11, 2014, the City Commission declared the construction of a public sidewalk on the west side of Stanley Ave. north of Lincoln Ave. a necessity, thereby authorizing the project. At the meeting, the Commission requested two pieces of information be provided for review at the hearing of confirmation:

1. A copy of the detailed plan showing the alignment and grade of the new subject sidewalk.

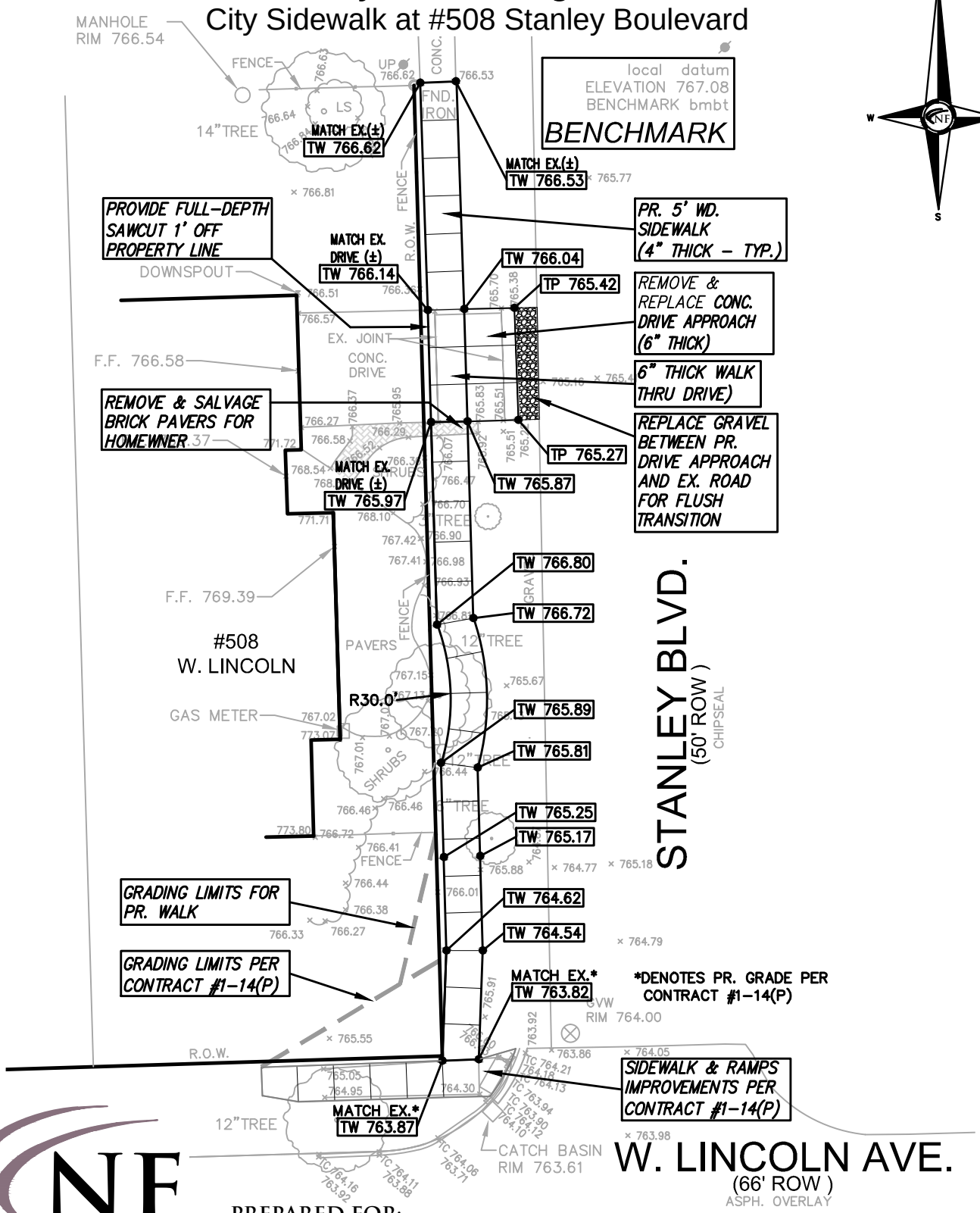
The new sidewalk has been designed as directed by the Commission. It will be built primarily at the standard one foot off the property line, with a short deviation around the existing tree that is located close to the right-of-way line. The existing drive approach will also be removed and replaced from the back of the sidewalk line, out to its present terminus, as it would be difficult to complete this work and not cause any damage to the existing, older pavement. The sidewalk alignment will also taper toward the property line as it meets Lincoln Ave. in order to give some additional space to construct the adjacent handicap ramp.

2. A copy of the agreement and special treatment license prepared relative to the neighbor's new fence encroaching upon the right-of-way.

As was mentioned previously, due to a unique set of circumstances, the new fence installed in this area encroaches into the right-of-way by four inches. The agreement, as approved by the City Attorney's office, stipulates in writing that the endorsement of this fence by the City in no way implies that the ownership of this property will change now or in the future.

City of Birmingham

City Sidewalk at #508 Stanley Boulevard



NF ENGINEERS
NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257

PREPARED FOR:

City of Birmingham
A Walkable Community

Engineering Department
151 Martin Street
Birmingham, MI 48012

SCALE	DATE	DRAWN	JOB NO.	SHEET
1"=20'	8/14/14	PT	I147	1 of 1

City of Birmingham
A Walkable Community

Community Development Department
151 Martin Street
Birmingham, MI 48012-3001
(248) 530-1850

Applicant:
BECKER, MARK P
508 W LINCOLN ST
BIRMINGHAM MI 48009-1963

Status: ISSUED

Special Treatments in ROW

Type
Misc

Permit Number:
PST14-0039
JST14-0020

Applied: 07/24/2014
Issued: 07/24/2014
Expires: 01/20/2015
Finaled:

LOCATION	OWNER	CONTRACTOR
0 508 W LINCOLN ST 08-19-36-158-016 **Zoning District:** **Special District:**	BECKER, MARK P 508 W LINCOLN ST BIRMINGHAM MI 48009-1963 **Phone:** **Fax:**	**Phone:** **Fax:**

Work Description: WHITE PRIVACY FENCE TO BE INSTALLED ALONG STANLEY SIDE. FENCE POSTS WILL ENCROACH 4" ONTO CITY PROPERTY.

Stipulations:

Primary Constructions Type: Primary Zoning District:

Primary Use Group: Project: JST14-0020

Permit Item	Work Type	Fee Basis	Item Total
	0.00	0.00	

If a permit is granted, the above names (and tenant, if any) shall do the following:

1) **Conform to all City Ordinances, standards, and regulations relating thereto.**
2) **Install and maintain the improvement at no expense to the City of Birmingham.**
3) **Defend and hold the City harmless from any and all liability incidental to the construction, use, and maintenance of the improvement.**
4) **Remove the improvement and make necessary restoration to the right of way, upon revocation of the permit by the City.**
5) **WAIVE AND RELEASE ANY AND ALL CLAIMS OF ANY NATURE AGAINST THE CITY OF BIRMINGHAM AND ANY PUBLIC UTILITY COMPANY FOR DAMAGES TO SUCH IMPROVEMENT CAUSED BY OR ARISING FROM THE USE OF THE RIGHT-OF-WAY.**

Approved by Engineering Dept: Brian Coveny **Date:** 07/24/2014

RECEIVED
JUL 24 2014
CITY OF BIRMINGHAM
COMMUNITY DEVELOPMENT

CITY OF BIRMINGHAM
ENGINEERING DEPARTMENT
151 Martin Street, P.O. Box 3001
Birmingham, Michigan 48012-3001
(248) 530-1850

DO NOT WRITE IN THIS BOX
Permit No. _____
Date of Issuance _____

APPLICATION AND PERMIT TO INSTALL SPECIAL TREATMENTS IN PUBLIC RIGHT OF WAY

508 W. Lincoln St.
Address of Proposed Special Treatment

Wendy Becker
Property Owner's Name

Tenant's Name (if other than owner)

Wendy Becker 7/24/14
Property Owner's Signature Date

Tenant's Signature Date

248 765 8041
Telephone Number Fax Number

The above named owner (and tenant, if any) makes application for a revocable permit to place in the public right-of-way adjacent to the above address, decorative treatments or other improvements described as follows: (give location and detailed description - attach sketch).

A white privacy fence will be installed along the Stanley St. side of our property. Fence posts will encroach 4" onto City property - see attached letter.

Will trees be affected? If yes, Signature of City Forester Required _____ _____
City Forester Date

Attached to Application: Plans _____

Other _____

If a permit is granted, the above named owner (and tenant, if any) shall do the following:

1. Conform with all City Ordinances, standards, and regulations relating thereto.
2. Install and maintain the improvement at no expense to the City of Birmingham.
3. Defend and hold the City harmless from any and all liability incidental to the construction, use, and maintenance of the improvement.
4. Remove the improvement and make necessary restoration to the right-of-way, upon revocation of the permit by the City.
5. **WAIVE AND RELEASE ANY AND ALL CLAIMS OF ANY NATURE AGAINST THE CITY OF BIRMINGHAM AND ANY PUBLIC UTILITY COMPANY FOR DAMAGES TO SUCH IMPROVEMENT CAUSED BY OR ARISING FROM THE USE OF THE RIGHT-OF-WAY.**

A permit, as requested in the foregoing application subject to the conditions to which applicant therein agrees, is hereby granted.

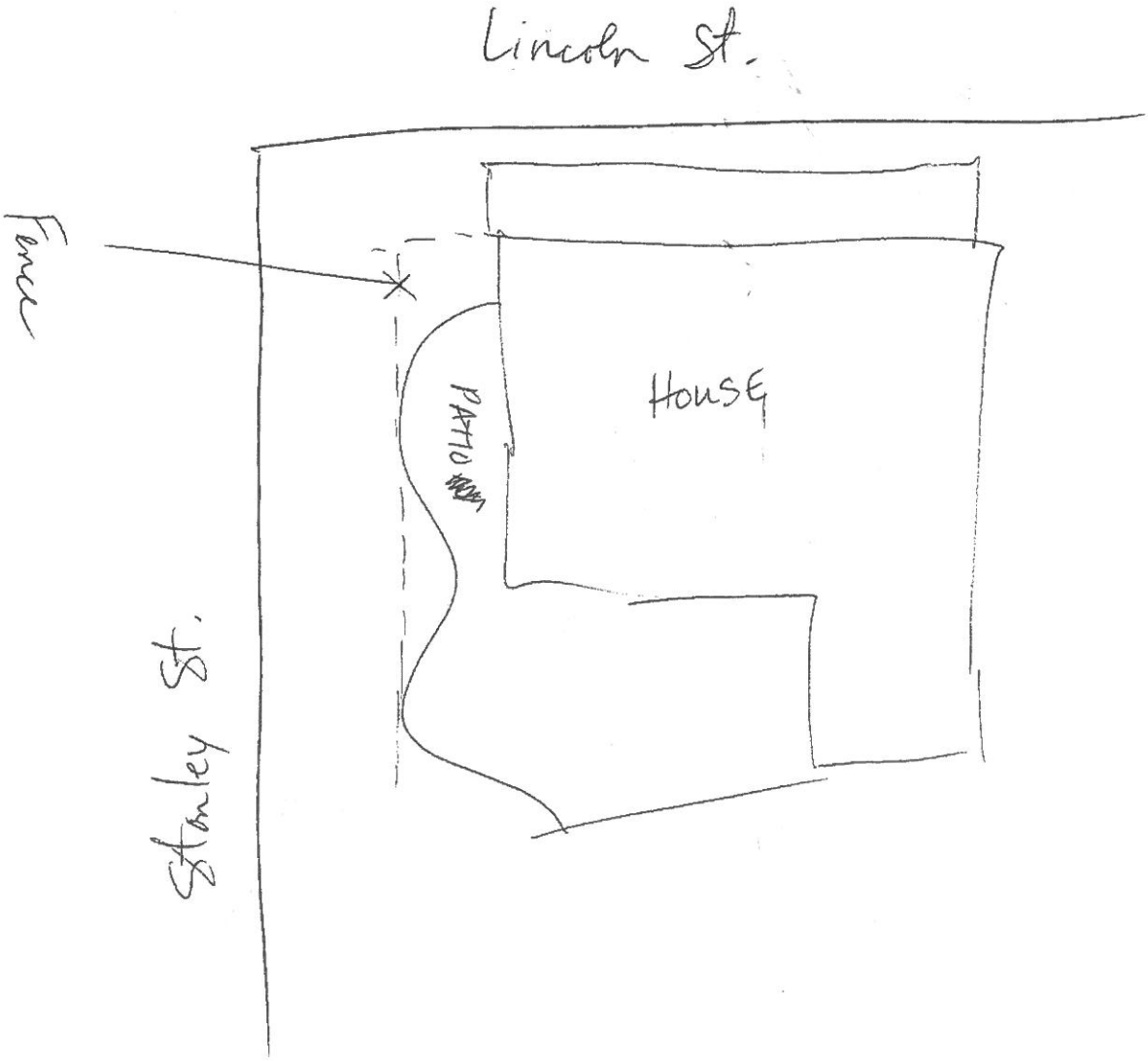
CITY OF BIRMINGHAM

By _____

Engineering Department

Article II. Streets (Code 1963, § 4.10) Birmingham City Code Updated 4-2011

THIS PERMIT IS SUBJECT TO REVOCATION AT ANY TIME BY THE CITY OF BIRMINGHAM.



July 22, 2014

City of Birmingham

Attn: Brendan Cousino

151 Main St.

Birmingham, MI 48009

To Whom It May Concern,

This letter shall serve as written confirmation of the agreement between homeowners, Mark and Wendy Becker at 508 W. Lincoln St., Birmingham, MI 48009 – and the City of Birmingham, regarding placement of the Becker's fence along their property line facing Stanley St.

The City of Birmingham has agreed to allow the homeowners to erect a fence along their Stanley St. property, with the understanding that in doing so the fence posts along their brick paver patio will encroach 4 inches onto city owned property. The City has agreed to this in order that the homeowners will not need to destroy portions of their existing patio in order to erect the fence. It is understood and agreed by the parties hereto, that the homeowners shall not acquire any rights of ownership to the 4" area that is references herein, either by adverse possession or otherwise. The 4" area that is referenced herein shall be used solely and exclusively to allow for placement of the fence posts in said area, and for no other purpose.

7/24/14

Brendan Cousino, P.E. Date

Assistant City Engineer

7/24/14

Wendy Becker Date

7/24/14

Mark Becker Date

Sincerely,

John Broderick, JD