City of Birmingham
A Walkable Community

MEMORANDUM

Community Development

DATE: **June 19, 2015**

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

FROM: **Matthew Baka, Senior Planner**

CC: **Jana Ecker, Planning Director**

SUBJECT: **Set Public Hearing for a Lot rearrangement of 1173 Latham, Parcel #1935427003,** T2N, R10E, SEC 35 J LEE BAKER CO'S BIRMINGHAM HILLS SUB LOT 218 & NLY PART OF LOT 219 MEAS 18.33 FT ON W LOT LINE & 21.44 FT ON E LOT LINE and **1221 Latham, Parcel # 1935427004,** T2N, R10E, SEC 35 J LEE BAKER CO'S BIRMINGHAM HILLS SUB W 1/2 OF LOT 215 AS MEAS ON N & S LOT LINES EXC THAT PART LYING SLY OF S LINE OF LOT 220 EXT ELY, ALSO SLY PART OF LOT 219 MEAS 36.67 FT ON W LOT LINE & 42.89 FT ON E LOT LINE, ALSO ALL OF LOT 220

The owner of the properties known as 1173 Latham and 1221 Latham are seeking approval to rearrange the property lines between the two (2) parcels. The result of the request would be the transfer of approximately 400 sq. ft. of land from the 1221 Latham property to the 1173 Latham property. A full review of the proposal will be provided at the public hearing. The application and land surveys have been attached for your review.

The Planning Division requests that the City Commission set a public hearing date of **July 27, 2015** to consider the proposed subdivision, pursuant to the procedures set forth in Section 102-52 of the Subdivision Ordinance.

Suggested Action:
To set a Public Hearing for **July 27, 2015** to consider the proposed Lot rearrangement of 1173 Latham, Parcel #1935427003, T2N, R10E, SEC 35 J LEE BAKER CO'S BIRMINGHAM HILLS SUB LOT 218 & NLY PART OF LOT 219 MEAS 18.33 FT ON W LOT LINE & 21.44 FT ON E LOT LINE and 1221 Latham, Parcel # 1935427004, T2N, R10E, SEC 35 J LEE BAKER CO'S BIRMINGHAM HILLS SUB W 1/2 OF LOT 215 AS MEAS ON N & S LOT LINES EXC THAT PART LYING SLY OF S LINE OF LOT 220 EXT ELY, ALSO SLY PART OF LOT 219 MEAS 36.67 FT ON W LOT LINE & 42.89 FT ON E LOT LINE, ALSO ALL OF LOT 220.

CITY OF BIRMINGHAM
Date 06/17/2015 2:00:37 PM
Ref 00119230
Receipt 266450
Amount $450.00

City of Birmingham
A Walkable Community

Division of Platted Lots Application

1. Applicant
Name: Shariff & Natalie Bishai
Address: 1173 Latham st
Birmingham MI 48009
Phone Number: 248 792 7250
Fax Number:
Email Address: nlbishai@yahoo.com

Property Owner
Name: Diana Day
Address: 1221 Latham st
Birmingham MI 48009
Phone Number: 248 765 0226
Fax Number:
Email Address:

2. Applicant's Attorney/Contact Person
Name:
Address:
Phone Number:
Fax Number:
Email Address:

Survey Company
Name: Monument Engineering Inc
Address: 20318 Windemere
Macomb Twp MI 48044
Phone Number: 248 924 5344
Fax Number:
Email Address: dfeery44@yahoo.com

3. Project Information
Address/Location of Property: 1173/1221 Latham
Sidwell #:
Current Zoning:
Zone R1

Legal Description:

4. Attachments
- Proof of ownership
- Written statement of reasons for request
- A letter of authority or power of attorney in the event the application is made by a person other than the property owner
- Other data having a direct bearing on the request
- One set of survey plans mounted on display boards
- Fifteen (15) copies of a registered land survey showing:
  - all existing and proposed platted lot lines
  - legal descriptions of proposed lots
  - locations of existing/ surrounding structures and setbacks
  - footprints of proposed development
  - Sketches of proposed development (optional)

(I), (We), the undersigned, do hereby request to divide lots of record in the City of Birmingham, Oakland County, Michigan. (I), (We), do hereby swear that all of the statements, signatures, and descriptions appearing on and with this request are in all respects true and accurate to the best of (my), (our), knowledge.

Signature of Property Owner: Diana Day Date: 4/29/15
Print Name: Diana Day
Signature of Applicant: Date: 4/29/15
Print Name: Shariff F. Bishai

Fee: $200.00 per lot affected, minimum fee $400

CITY OF BIRMINGHAM
Date 06/17/2015 2:00:37 PM
Ref 00119231
Receipt 266450
Amount $100.00

119230
119231

June 14, 2015

City of Birmingham, Michigan

151 Martin Street

Birmingham, Michigan 48012

To Whom It May Concern:

This letter is to serve as a request for acquiring through purchase a portion of the property from 121~~2~~ 216 Latham Street, Birmingham, Michigan 48009 (19-35427-003).

We live next door at 1173 Latham Street, Birmingham, Michigan 48009 (19-35427-002).

We would like to aquire this property as it sits directly behind our piece property. We plan to utilize it for more yard/garden space. In addition, the property owner doesn't utilize this portion of her property.

Thank you for your forthcoming attention to this matter. Should you have any additional questions please feel free to contact me at skbishai@yahoo.com or my wife Natalie L. Bishai at nlbishai@yahoo.com.

Sincerely,

Shariff K. Bishai

Warranty Deed

Statutory Form for Individuals

KNOWN ALL MEN BY THESE PRESENTS: That JACQUELINE R. ALBERTIE, AS TRUSTEE OF THE JACQUELINE R. ALBERTIE TRUST AGREEMENT DATED OCTOBER 3, 2003, AS AMENDED AND/OR RESTATED,

whose address is 1173 Latham St, Birmingham, MI 48009

Convey and Warrant to SHARIFF K. BISHAI and NATALIE L. BISHAI, HUSBAND AND WIFE,

whose address is 659 Ann St., Birmingham, MI 48009

the following described premises situated in the City of Birmingham, County of Oakland and State of Michigan, to-wit:

Lot 218 and the Northerly part of Lot 219 measured 18.33 feet on the West lot line and 21.44 feet on the East lot line, J. LEE BAKER COMPANY'S BIRMINGHAM HILLS SUBDIVISION, as recorded in Liber 41, page 40 of Plats, Oakland County Records.

Commonly known as: 1173 Latham St Parcel Identification No: 19-35-427-003

For the sum of: One Dollar ($1.00) and any other valuable consideration; transfer valuation affidavit filed.
Subject to existing building and use restrictions, easements, and zoning ordinances, of record

Dated this 4/30/13

Signed and Sealed:

JACQUELINE R. ALBERTIE, AS TRUSTEE OF THE JACQUELINE R. ALBERTIE TRUST AGREEMENT DATED OCTOBER 3, 2003, AS AMENDED AND/OR RESTATED

BY: Jacqueline R Albertie
JACQUELINE R. ALBERTIE, Trustee
Trustee

State of Michigan
County of Oakland

The foregoing instrument was acknowledged before me this 30 of april 2013 by JACQUELINE R. ALBERTIE, AS TRUSTEE OF THE JACQUELINE R. ALBERTIE TRUST AGREEMENT DATED OCTOBER 3, 2003, AS AMENDED AND/OR RESTATED

Mary F Moriarity

MARY F. MORIARITY
NOTARY PUBLIC, OAKLAND COUNTY, MICHIGAN
MY COMMISSION EXPIRES: FEBRUARY 02, 2020
ACTING IN Oakland COUNTY

Notary Public, Oakland County
State of Michigan
My Commission expires: 02/02/2020
Acting in the County of: Oakland

Drafted by:
Douglas A. Hardy, Broker
SKBK Sotheby's International Realty
415 S. Old Woodward
Birmingham, MI 48009

When recorded return to:
SHARIFF K. BISHAI
1173 Latham St
Birmingham, MI 48009-3016
0843603

WARRANTY DEED

Deal No: 56927143	Title No:	Closing No:	Recording No:

Know all persons by these presents; that **Brian Barnes**, a married man and joined by his spouse Stephanie Barnes, whose street number and post office address is 1221 Latham Street Birmingham, MI 48009, convey(s) and warrant(s) to **Diana G. Day**, an unmarried woman, whose street number and post office address is 843 Purdy St, Birmingham MI 48009, the following described premises:

Land Situated in the **City of Birmingham** in the **County of Oakland, State of Michigan**, more particularly described as:

THE SOUTHERLY TWO-THIRDS OF LOT 219 AS MEASURED ON FRONT AND REAR LOT LINES, ALL OF LOT 220 AND THAT PART OF LOT 215 LYING NORTHERLY OF SOUTHERLY LINE OF LOT 220, EXTENDED EASTERLY AND WESTERLY OF A STRAIGHT LINE CONNECTING THE CENTER OF NORTHERLY LOT LINE OF SAID LOT 215 WITH CENTER OF SOUTHERLY LOT LINE OF SAID LOT 215, J. LEE BAKER COMPANY'S BIRMINGHAM HILLS SUBDIVISION, AS RECORDED IN LIBER 41, PAGE 40 OF PLATS, OAKLAND COUNTY RECORDS

Commonly described as: **1221 Latham Street, Birmingham, MI 48009**
Property ID No: **08-19-35-427-004**

For the full consideration of **FOUR HUNDRED FORTY THOUSAND and NO/100 DOLLARS ($440,000.00)**, subject to existing building and use restrictions, easements and zoning ordinances of record, if any.

Dated: September 19, 2012

Brian Barnes

Stephanie Barnes (to bar dower)

STATE OF MICHIGAN)
) **ss.**
COUNTY OF OAKLAND)

On September 19, 2012, before me personally appeared **Brian Barnes**, and **Stephanie Barnes**, to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

County,

My commission expires:

CHRIS D. MOTT
Notary Public, State of Michigan
County of Macomb
My Commission Expires Jan 09, 2018
Acting in the County of

Instrument drafted by:
Brian Barnes
1221 Latham Street
Birmingham, MI 48009

When recorded return to:
TITLE SOURCE, INC. - Recording Dept.
662 Woodward Avenue
Detroit, MI 48226

Recording Fees: $15.00 County Tax: $484.00 State Transfer Tax: $3,300.00

EXHIBIT - Legal Description

Order Number: 56927143

Property Tax ID: 08-19-35-427-004

Land in the city/township/village of Birmingham and the County of Oakland, State of MI, more particularly described as:

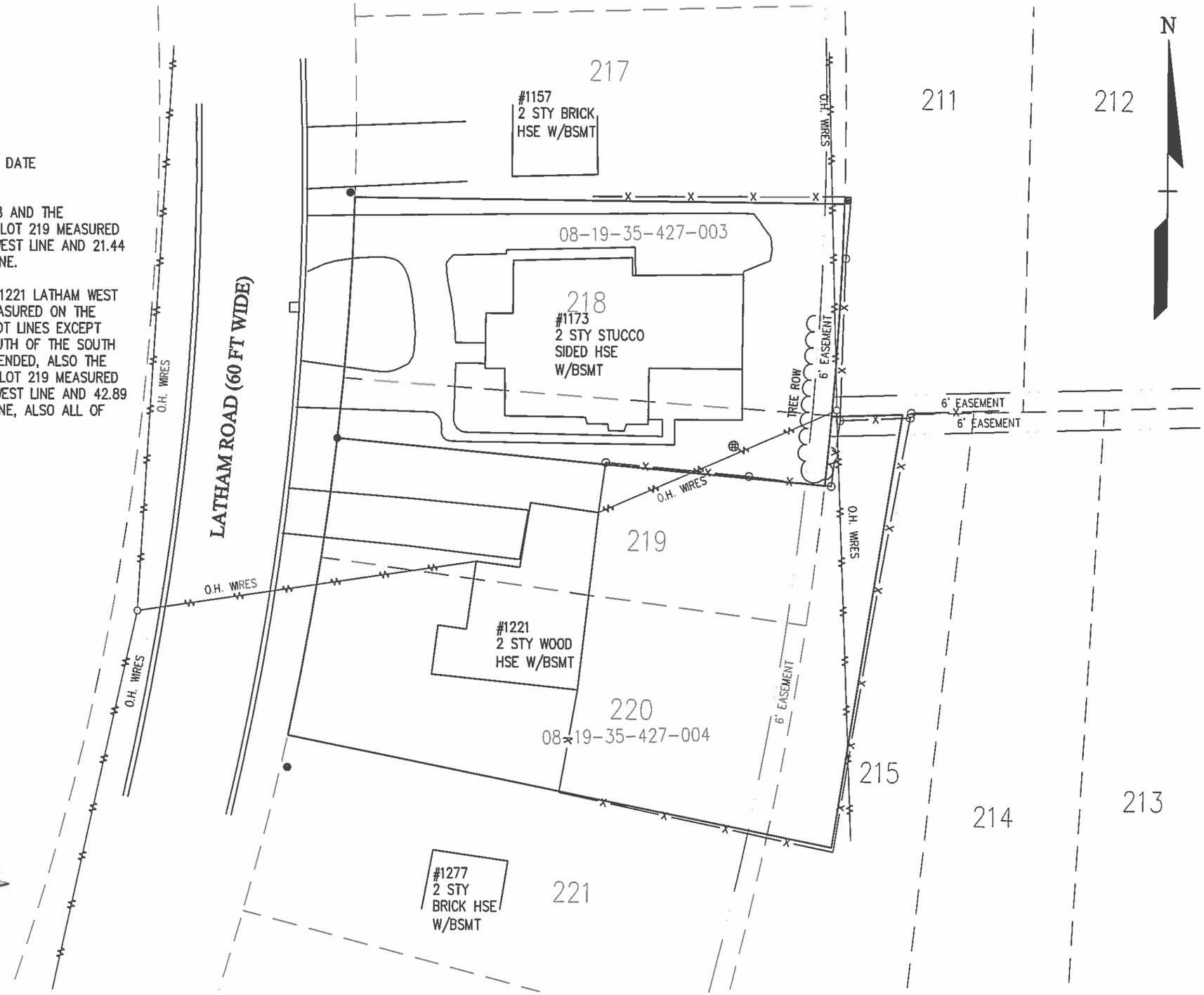
THE SOUTHERLY TWO-THIRDS OF LOT 219 AS MEASURED ON FRONT AND REAR LOT LINES, ALL OF LOT 220 AND THAT PART OF LOT 215 LYING NORTHERLY OF SOUTHERLY LINE OF LOT 220, EXTENDED EASTERLY AND WESTERLY OF A STRAIGHT LINE CONNECTING THE CENTER OF NORTHERLY LOT LINE OF SAID LOT 215 WITH CENTER OF SOUTHERLY LOT LINE OF SAID LOT 215, J. LEE BAKER COMPANY'S BIRMINGHAM HILLS SUBDIVISION, AS RECORDED IN LIBER 41, PAGE 40 OF PLATS, OAKLAND COUNTY RECORDS.

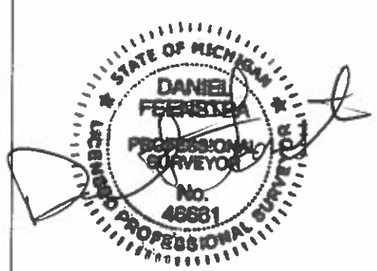
Commonly described as: 1221 Latham Street, Birmingham MI 48009

LOT DESCRIPTIONS TO DATE

08-19-35-427-003
1173 LATHAM LOT 218 AND THE NORTHERLY PART OF LOT 219 MEASURED 18.33 FEET ON THE WEST LINE AND 21.44 FEET ON THE EAST LINE.

08-19-35-427-004 1221 LATHAM WEST HALF OF LOT 215 MEASURED ON THE NORTH AND SOUTH LOT LINES EXCEPT THAT PART LYING SOUTH OF THE SOUTH LINE OF LOT 220 EXTENDED, ALSO THE SOUTHERLY PART OF LOT 219 MEASURED 36.67 FEET ON THE WEST LINE AND 42.89 FEET ON THE EAST LINE, ALSO ALL OF LOT 220





LEGEND

Ex. STORM SEWER
EX. SANITARY SEWER
EX. WATER MAIN
EX. GAS LINE
EX. UNDER GROUND UTILITY
OVERHEAD LINES
FENCE
GUARD RAIL
TREE LINE
SWALE
RAIL ROAD TRACKS
EASEMENT
SETBACK
CENTER LINE
IRON FOUND
MAIL BOX
UNIDENTIFIED STRUCTURE
LIGHT POLE
TELEPHONE RISER
STREET SIGN
WATER SHUT OFF VALVE
EXISTING CONTOUR 900
EXISTING GROUND SHOT 900.00
AS BUILT ELEVATION 900.00 A.B.

DATE DD-MM-YY	DESCRIPTION DESCRIPTION

MONUMENT ENGINEERING, Inc.
20918 Windemere
Macomb, MI 48044
Phone: 586-209-2077
Fax: 586-416-0982

PROJECT
1173 LATHAM STREET
BIRMINGHAM, MI
48009

TITLE
EXISTING
BOUNDARY

CLIENT
SHARIFF & NATALIE
BISHAI

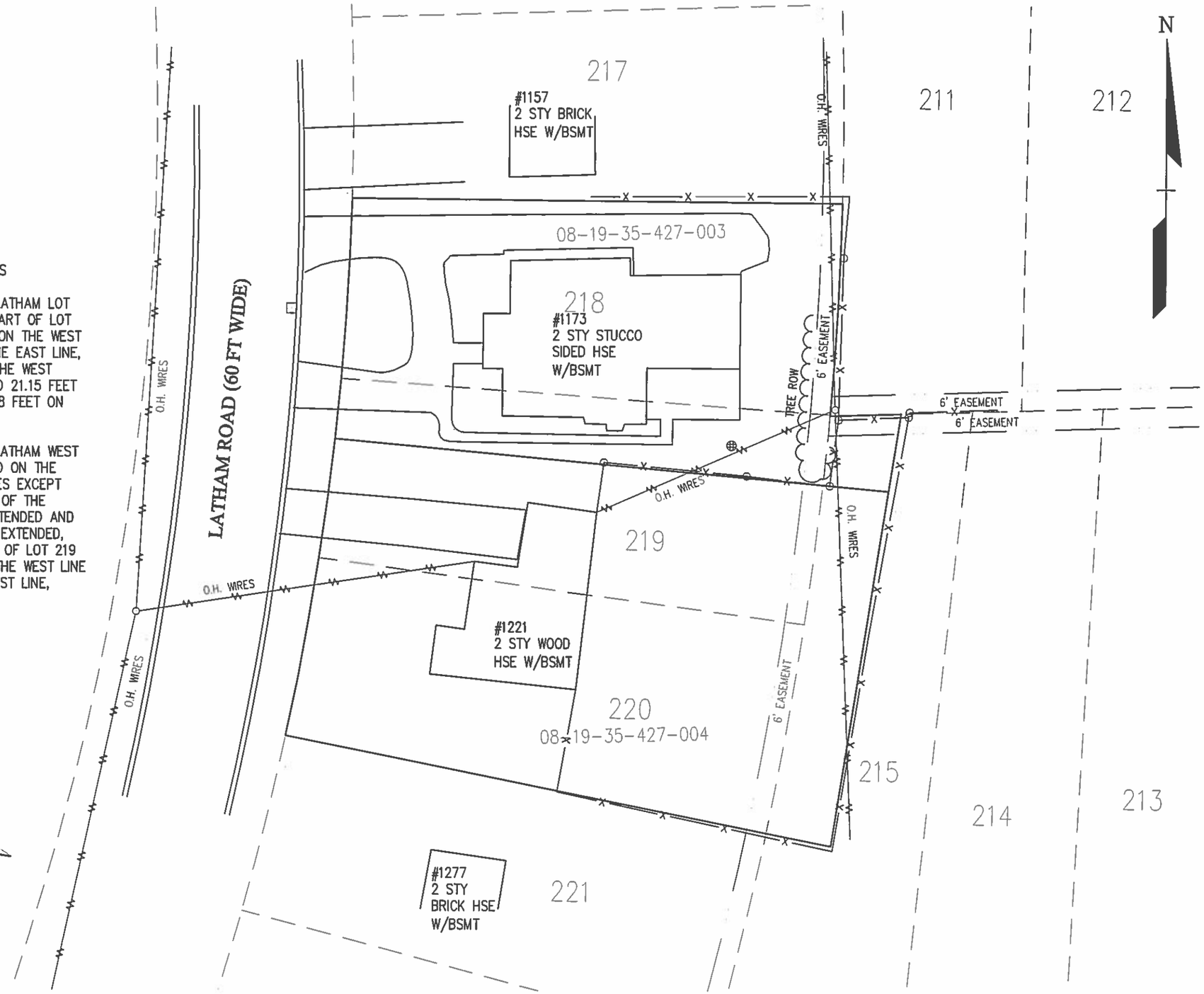
1173 LATHAM
BIRMNINGHAM, MI

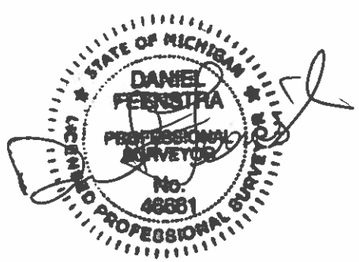
SCALE: Horizontal 1" = 30'
Vertical N/A
DRAWN BY: SRB
CHECKED BY: DGF
DATE ISSUED:
PROJECT No. 2015-05
SHEET No. 1

PROPOSED LOT DESCRIPTIONS

08-19-35-427-003 1173 LATHAM LOT 218 AND THE NORTHERLY PART OF LOT 219 MEASURED 18.33 FEET ON THE WEST LINE AND 21.44 FEET ON THE EAST LINE, AND THE NORTH PART OF THE WEST HALF OF LOT 215 MEASURED 21.15 FEET ON THE WEST LINE AND 23.8 FEET ON THE EAST LINE.

08-19-35-427-004 1221 LATHAM WEST HALF OF LOT 215 MEASURED ON THE NORTH AND SOUTH LOT LINES EXCEPT THOSE PARTS LYING SOUTH OF THE SOUTH LINE OF LOT 220 EXTENDED AND NORTH OF THE NORTH LINE EXTENDED, ALSO THE SOUTHERLY PART OF LOT 219 MEASURED 36.67 FEET ON THE WEST LINE AND 42.89 FEET ON THE EAST LINE, ALSO ALL OF LOT 220





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DATE	DESCRIPTION
DD-MM-YY	DESCRIPTION

MONUMENT ENGINEERING, Inc.
20816 Windemere
Macomb, MI 48044
Phone: 586-209-2077
Fax: 586-416-0982

PROJECT
1173 LATHAM STREET
BIRMINGHAM, MI
48009

TITLE
PROPOSED
BOUNDARY

CLIENT
SHARIFF & NATALIE
BISHAI

1173 LATHAM STREET
BIRMINGHAM, MI

SCALE: Horizontal 1" = 30'
Vertical N/A

DRAWN BY: SRB
CHECKED BY: DGF

DATE ISSUED:

PROJECT No. 2015-05

SHEET No. 2