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Interoffice Memo

Date: May 22, 2015

To: Mayor Taylor, Mayor Pro-Tem Haggerty and the City Council of
Roseville

From: Chief James P. Berlin

RE: Grant Application

Honorable Mayor and Council of the City of Roseville, with your concurrence, the Roseville Police Department intends to apply for the 2015 Byrne Memorial Justice Assistance Grant sponsored by the United States Department of Justice. The grant, which requires no matching funds from the city, is set at \$15,621.00 The police department intends to use the funds, once allocated to begin the purchase of a body worn camera system for each officer.

**CITY OF ROSEVILLE
MACOMB COUNTY, MICHIGAN**

RESOLUTION ON ABATEMENT OF PUBLIC NUISANCE

At a Regular Meeting of the City Council of the City of Roseville, held in the council chambers, 29777 Gratiot Avenue, Roseville, Michigan on the 26th day of May, 2015, commencing at 7:00 p.m.

PRESENT: MEMBERS _____

ABSENT: MEMBERS _____

THE FOLLOWING MOTION WAS MADE:

_____ moved, _____ seconded, to adopt the following resolution:

WHEREAS, the Director of Building and Inspection for the City of Roseville, Mr. Glenn Sexton, has determined that the property at the following location:

Commencing at south ¼ post Section 8, town 1 north, range 13 east; thence south 89 degrees 56 minutes west 550.11 feet along south section line; thence north 01 degrees 08 minutes west 60.00 feet to north sideline of 12 Mile Road to point of beginning; thence south 89 degrees 56 minutes west 122.60 feet along north sideline 12 Mile Road; thence north 01 degree 88 minutes west 680.28 feet; thence north 89 degrees 56 minutes east 122.50 feet; thence south 01 degree 00 minutes east 680.28 feet to point of beginning.

Parcel Identification No. 14-08-378-029

more commonly known as: 17441 12 Mile Road, Roseville, Michigan has become and does present an immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Roseville, for the following described reasons: the property has ongoing problems with water retention and flooding of neighboring properties since 2000, continuous

issues with junk and debris, along with tall grass and weeds on the property, and thus, presents a threat to the health, safety and welfare of the general public, and

WHEREAS, the Director of Building and Inspection has notified the named owner, Dorothy Shotts, of the above described property of the condition of the property and has demanded that same be corrected; and;

WHEREAS, the owner has failed, refused and neglected to correct said violations and comply with building and health ordinances of the City of Roseville; and

WHEREAS, the existence of the above described property in its present condition is a present, immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Roseville, and must be abated and removed;

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. That the property at the afore described location for the afore described reasons is a present, immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Roseville, and said violations and dangerous conditions must be abated and removed.
2. That the afore described property be and is hereby declared a public nuisance, and it is hereby ordered that all code violations and dangerous conditions existing on said property be abated and removed.
3. That the Attorney for the City of Roseville and the Director of Building and Inspection for the City of Roseville are hereby authorized to commence all necessary actions to clean up the property pursuant to Section 203-9 of the Code for the City of Roseville, and abate said public nuisances; that all costs incurred by the City of Roseville to abate said nuisances,

plus interest at seven (7%) percent per annum, shall become a lien for the benefit of the City of Roseville on all or part of the real property where the violations are located, and such liens shall be of the same character and effect as created by the Roseville City Charter for taxes.

AYES: MEMBERS _____

NAYS: MEMBERS _____

ABSENT: MEMBERS _____

RESOLUTION DECLARED ADOPTED

ROBERT TAYLOR, Mayor

RICHARD STEENLAND, City Clerk

STATE OF MICHIGAN)
)ss.
COUNTY OF MACOMB)

I, Richard Steenland, the duly qualified and acting City Clerk of the City of Roseville, Macomb County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Resolution adopted by the City Council of the City of Roseville, Macomb County, Michigan on May _____, 2015, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance of the Open Meetings Act being Act 267 of the Michigan Public Acts of 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said act.

RICHARD STEENLAND, City Clerk

YORK, DOLAN & TOMLINSON, P.C.
Attorneys and Counselors at law
42850 Garfield, Suite 101
Clinton Township, Michigan 48038
586-263-5050
Fax 586-263-4763

John A. Dolan (jdolan@yorkdolanlaw.com)
Timothy D. Tomlinson (ttomlinson@yorkdolanlaw.com)

May 13, 2015

Ms. Dorothy Shotts

RE: **Nuisance Abatement – 17441 12 Mile Road, Roseville**

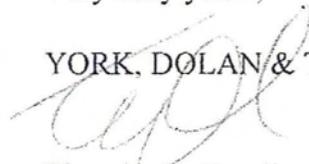
Dear Ms. Shotts:

The above-entitled matter was previously scheduled to be reviewed and adopted by City Council on May 12, 2015, but due to clerical error it was not on the agenda. Please be advised that the attached proposed resolution will be considered for adoption on **Tuesday, May 26, 2015 at 7:00 p.m.** in the City Council chambers at City Hall.

You are hereby requested to respond this correspondence immediately upon receipt. Failure to do so will result in the adoption of the resolution and abatement of the property by all legal remedies available to the City. Thank you for your anticipated cooperation. We remain,

Very truly yours,

YORK, DOLAN & TOMLINSON, P.C.



Timothy D. Tomlinson
Roseville City Attorney

/jabh
Enclosure

cc: Scott Adkins, Roseville City Manager
Glenn Sexton, Roseville Building Director



City of Roseville

29777 GRATIOT, P.O. 290
ROSEVILLE, MICHIGAN 48066

03/30/2015

Timothy Tomlinson
York, Dolan & Tomlinson
42850 Garfield, Suite 101
Clinton Township MI 48038

Re: Condemnation - 17441 12 MILE, Roseville MI 48066

Dear Mr. Tomlinson:

This department is requesting that you prepare a resolution for action by City Council at the next available City Council Meeting commencing the condemnation of the above-mentioned property.

This property is a vacant lot, as the structure was demolished in 2012. The property has had on-going problems with water retention and flooding of neighboring properties since 2000. There continues to be junk & debris along with tall grass and weeds on the property. In this condition it poses a threat to the health, safety and welfare of the general public and needs to be corrected, as it is a public nuisance. City records indicate that the owner of record is: Dorothy Shotts and Timothy V Shotts, . The legal description is PP#14-08-378-029.

Copies of all letters sent regarding this are attached for your information. If you have any questions, please feel free to contact this department at 5864455450.

Sincerely, *J.A.A.*

J.A.A.
Jim Osterhout
Building Inspector

cc: Scott Adkins, City Manager

Attachments

JO/tjh



COPY

City of Roseville

29777 GRATIOT, P.O. 290
ROSEVILLE, MICHIGAN 48066

10/01/2014

DOROTHY SHOTTS

RE: 17441 12 MILE, ROSEVILLE, MI

Dear Ms. Shotts:

A letter was sent to you on September 11, 2014 due to a complaint that the above referenced property had standing stagnant water. The letter advised it is a violation of City Ordinances 203-7, 225-70 and 256-10 to have standing water on this property.

This has been an ongoing issue since 2000 and there have been no measures taken to resolve this on a permanent basis.

As you failed to correct this situation, a ticket will also be issued with a mandatory court appearance to require a permanent solution to this violation. The ticket will be issued on October 17th, 2014. Should you choose to comply and install permanent drainage on this property, inspection by the City of Roseville Engineering Department will be required and installation must be complete prior to October 17, 2014.

Contact the Engineering Department at (586) 445-5445 if you have any questions. I am available to meet on-site to discuss options to prevent the accumulation of standing stagnant water.

Sincerely,

Steven Wietecha
Street Administrator/Engineering Inspector

SW/mcw



City of Roseville

29777 GRATIOT, P.O. 290
ROSEVILLE, MICHIGAN 48066

COPY

09/11/2014

SHOTTS, DOROTHY

RE: 17441 12 MILE, ROSEVILLE, MI
14-08-378-029

Dear Ms. Shotts:

Due to a complaint the above referenced property was inspected by the City of Roseville Engineering Department and was found to be flooding neighboring properties as well as having standing stagnant water. It is a violation of City Ordinances 203-7, 225-70 and 256-10 to flood neighboring properties and have standing water on this property.

This has been an ongoing issue since 2000 and drainage must be installed to alleviate this violation.

Should you fail to correct the situation the City of Roseville Water Department will pump the water out and charges will be assessed to the property for personnel and equipment utilized. A ticket will also be issued with a mandatory court appearance to require a permanent solution to this violation.

Contact the Engineering Department at (586) 445-5445 if you have any questions.

Sincerely,

Steven Wietecha
Street Administrator / Engineering Inspector

cc: Thomas Aiuto, D.P.S. Director
James Osterhout, Building Inspector

SW/mcw



City of Roseville

29777 GRATIOT, P.O. 290
ROSEVILLE, MICHIGAN 48066

COPY

March 22, 2011

DOROTHY SHOTTS.

RE: 17441 12 MILE
14-08-378-029

We have received a complaint regarding the standing water in the rear yard of the above referenced address. Storm water from this property is also flooding the rear yards of neighboring properties. The standing water must be removed within the next three (3) days or we will have to notify the DEQ of this situation and / or issue a ticket with a mandatory court appearance.

This has been an ongoing problem since 2000 and must be corrected. This property must have a drainage system installed or be properly graded, if possible, to prevent standing water and runoff onto neighboring properties.

Contact the City of Roseville Engineering Department if you have any questions regarding this matter (586) 445-5445.

Sincerely,

Steven Wietecha
Engineering Inspector

SW/mcw

COPY

03/14/2006

DOROTHY SHOTTS

RE: 17441 12 MILE
14-08-378-029

We have received a complaint regarding the standing stagnant water in the rear yard of the above referenced address. Storm water from this property is also flooding the rear yards of neighboring properties. The standing water must be removed within the next three (3) days or we will have to notify the DEQ of this situation and / or issue a ticket with a mandatory court appearance.

This has been an ongoing problem since 2000 and must be corrected. This property must have a drainage system installed or be properly graded, if possible, to prevent standing water and runoff onto neighboring properties.

Contact the City of Roseville Engineering Department if you have any questions regarding this matter (586) 445-5445.

Sincerely,

Steven Wietecha
Engineering Inspector

SW/mcw

04/11/2005

COPY

SHOTTS, LEE

RE: 17441 12 MILE
14-08-378-029

There has been no response to our letter of March 29, 2005 regarding the standing stagnant water at the above referenced address. An inspection of the property on April 11, 2005 revealed there is still standing stagnant water as well as a truck stuck on the property.

You must advise within ten (10) days what measures will be taken to correct this ongoing situation. Should you fail to contact the City of Roseville you will be issued a ticket with a mandatory court appearance.

Please feel free to call the City of Roseville Engineering Department if you have any questions regarding this matter (586) 445-5445.

Sincerely,

Steven Wietecha
Engineering Aide

SW/mct

03/29/2005

COPY

SHOTTS, LEE

RE: 17441 12 MILE
14-08-378-029

We have again received a complaint regarding the standing stagnant water in the rear yard of the above referenced address. The standing water must be removed within the next thirty (30) days or we will have to notify the DEQ of this situation.

Per our meeting on site on April 18, 2001 you were to create a swale to prevent this from occurring. In June of 2003 we again had complaints and contacted you to correct the situation. This situation needs to be resolved permanently.

Please feel free to call the City of Roseville Engineering Department if you have any questions regarding this matter (586) 445-5445.

Sincerely,

Steven Wietecha
Engineering Aide

SW/mct

COPY

06/09/2003

SHOTTS, LEE

RE: 17441 12 MILE
14-08-378-029

We have received a complaint regarding the standing stagnant water on the property of the above referenced address. The standing water must be removed within the next thirty (30) days or we will have to notify the DEQ of this situation.

This has been a problem in the past and with the West Nile Virus this cannot continue to present itself. A permanent solution must be acted upon to prevent the accumulation of standing stagnant water.

Please feel free to call the City of Roseville Engineering Department if you have any questions regarding this matter (586) 445-5445.

Sincerely,

Steven Wietecha
Engineering Aide

SW/mct

COPY

06/01/2001

SHOTTS, LEE

!

RE: 17441 12 MILE
14-08-378-029

We have again received a complaint regarding the standing stagnant water in the rear yard of the above referenced address. Per our meeting on-site on April 18, 2001 you were to create a swale to correct the problem of standing water. You must advise within ten (10) days when this work is scheduled to be done.

Please feel free to call the City of Roseville Engineering Department if you have any questions regarding this matter (810) 445-5445.

Sincerely,

Steven Wietecha
Engineering Aide

SW/mct

COPY

04/09/2001

SHOTTS, LEE

RE: 17441 12 MILE
14-08-378-029

We have again received complaints regarding the standing stagnant water in the rear yard of the above referenced address. You must call the City of Roseville Engineering Department and advise what measures will be taken to resolve this. If we have not been contacted within ten (10) days we will have to notify the DEQ of this situation.

There is currently a program, Chapter 20, which will tie in a rear yard drain to the City of Roseville Storm System at no cost to the homeowner. The homeowner is responsible for installing the rear yard drain and running the PVC pipe to within 1' of the sidewalk. Please feel free to call the City of Roseville Engineering Department if you have any questions regarding this matter (810) 445-5445.

Sincerely,

Steven Wietecha
Engineering Aide

SW/mct

COPY

09/14/2000

SHOTTS, LEE

RE: 14-08-378-029
17441 12 MILE

Dear Mr. Shotts:

We received a complaint regarding the land behind the house at the above address. The field is holding water which is now stagnant. You are required to either put in a drainage system or properly grade this property to prevent this problem.

Please contact me at the City of Roseville Engineering Department so that we can arrange a time to meet at the site and discuss what must be done. I can be reached at (810) 445-5445, Monday through Friday, 8:00 am to 4:30 pm.

Sincerely,

Steven Wietecha
Engineering Aide

SW/mct

2015

Permit for Fireworks Other Than Consumer or Low Impact
Michigan Department of Licensing & Regulatory Affairs
Bureau of Fire Services
P.O. Box 30700
Lansing MI 48909
(517) 241-8847

Authority: 2011 PA 256	The Department of Licensing & Regulatory Affairs will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.
Compliance: Voluntary	
Penalty: Permit will not be issued	

This permit is not transferable. Possession of this permit authorizes the herein named person to possess, transport and display fireworks in the amounts, for the purpose of and at the place listed below only.

Public Display

ISSUED TO	Scott Adkins		AGE (18 or over)	
ADDRESS	29777 Gratiot Avenue, Roseville, MI 48066			
NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION	Roseville RoseFest			
ADDRESS	29777 Gratiot Avenue, Roseville, MI 48066			
NUMBER AND TYPES OF FIREWORKS	<p>3,711 total shot show featuring shell sizes ranging from 2" through 8". The show contains a 794 shot opening, 1506 shot mid-finale and 665 Grand Finale.</p> <p>All pyrotechnical shots are presented by a licensed, bonded and insured company, Wolverine Fireworks of Kawkawlin, Michigan.</p>			
EXACT LOCATION OF DISPLAY OR USE	Veterans Memorial Park, 27325 Barkman, Roseville, MI			
CITY, VILLAGE, TOWNSHIP	Roseville	DATE	6-20-15	TIME
				9:45 pm
BOND OR INSURANCE FILED			AMOUNT	5,000,000
<input type="checkbox"/> YES <input type="checkbox"/> NO				

Issued by action of the Legislative Body of a

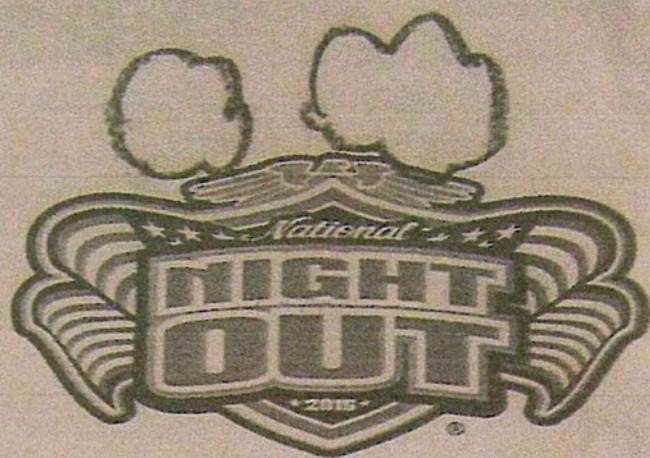
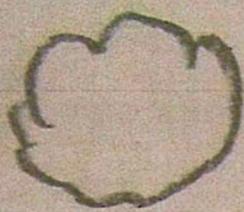
City Village Township of Roseville on the 26th day of May

(Signature and Title of Legislative Body Representative)

THIS FORM IS VALID FOR THE YEAR SHOWN ONLY

1st place

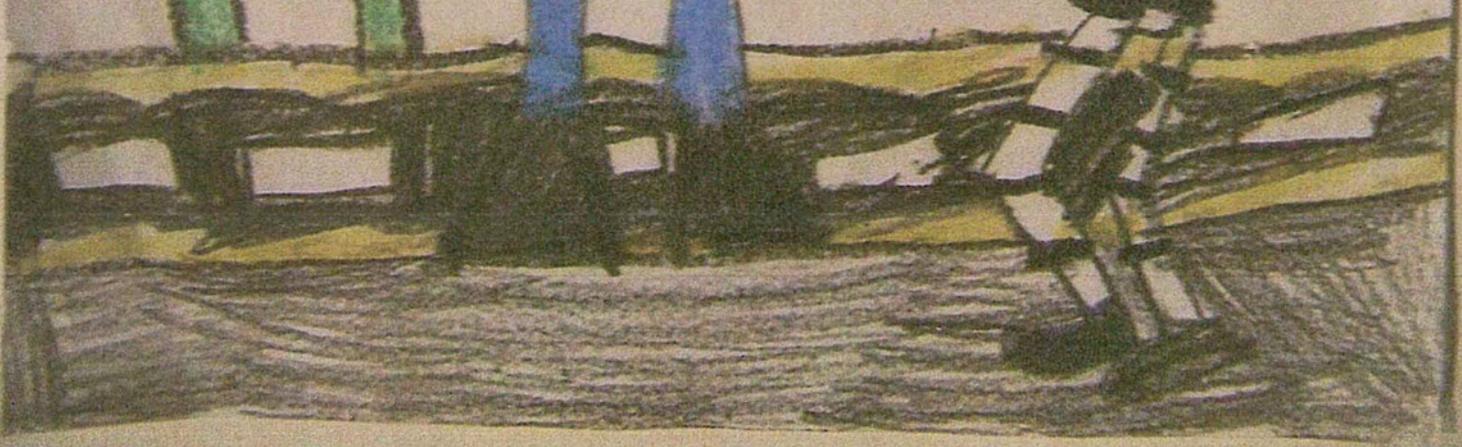
1st



POLICE · COMMUNITY PARTNERSHIPS

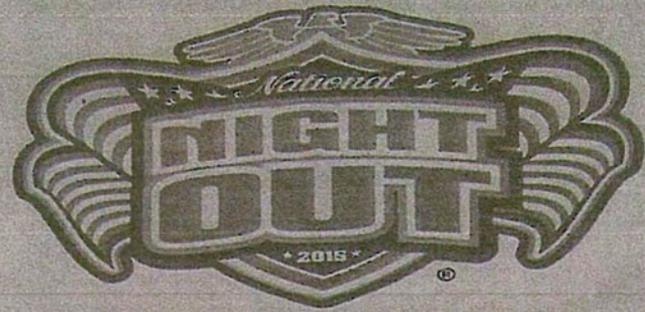
2015 NATIONAL NIGHT OUT

August 4TH from 4:00PM - 8:30PM
Memorial Park - Roseville, MI



113

2nd place
Tied

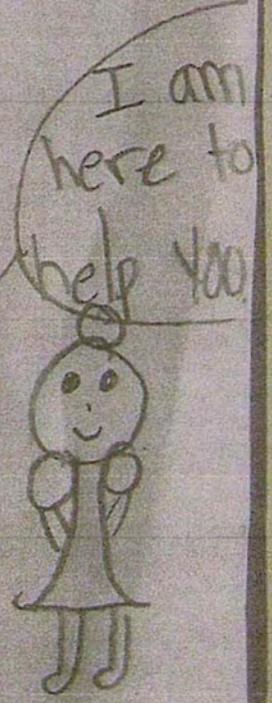


POLICE - COMMUNITY PARTNERSHIPS

2015 NATIONAL NIGHT OUT

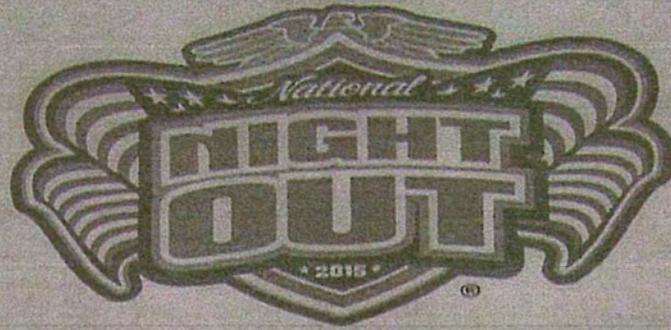
August 4TH from 4:00PM - 8:30PM
Memorial Park - Roseville, MI

Need help call 911!



182⁻⁶

2nd place
tied



POLICE • COMMUNITY PARTNERSHIPS

2015 NATIONAL NIGHT OUT

August 4TH from 4:00PM - 8:30PM
Memorial Park - Roseville, MI



planning review

Date: 04.14.2015

From: Benjamin J. Tallerico, AICP, HDFP, NCI, FBCI

To: **Mr. K. W. Knox, Esq., Chair**
Members of the Roseville Planning Commission
Scott Adkins, City Manager
Glenn Sexton, Building Director
Other interested parties
29777 Gratiot Avenue
P.O. Box 290
Roseville MI 48066

Project: CRZ - 16570 12 Mile Road
The applicant has changed their earlier rezoning request for the above noted parcel to a *Conditional Rezoning* request.

Remarks:

Section 1: Background

- Owners - Anthony J. and Nancy R. Bellomo
16570 12 Mile Road
Roseville MI 48066
Phone

- Property - 16570 12 Mile Road
Located east of Groesbeck, west of Utica
South side of 12 Mile Road
Permanent Parcel Number 14-18-208-001

- Zoning - The subject parcel is zoned R-1, One Family Residential, as is property to the south, east, and west. To the north property is zoned RM-1, Multiple Family.

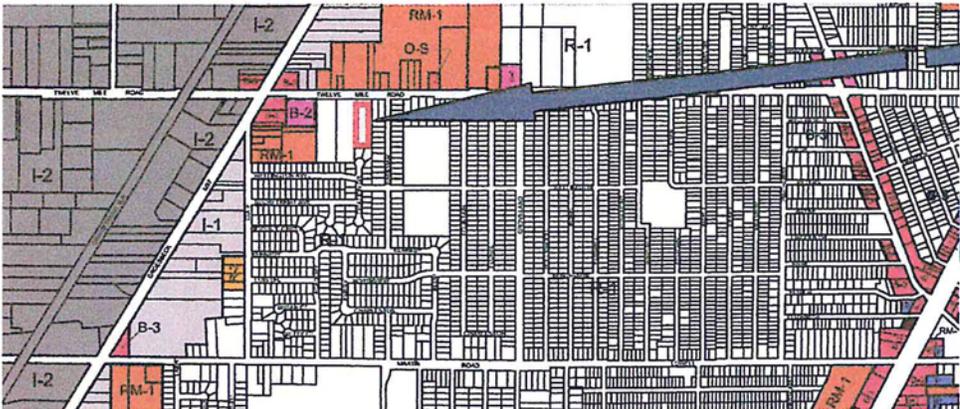
- Proposal - The applicant has made a request to rezone the property to RM-1 Multiple Family.

The photograph below shows the subject parcel. *Photo credit: Google maps*

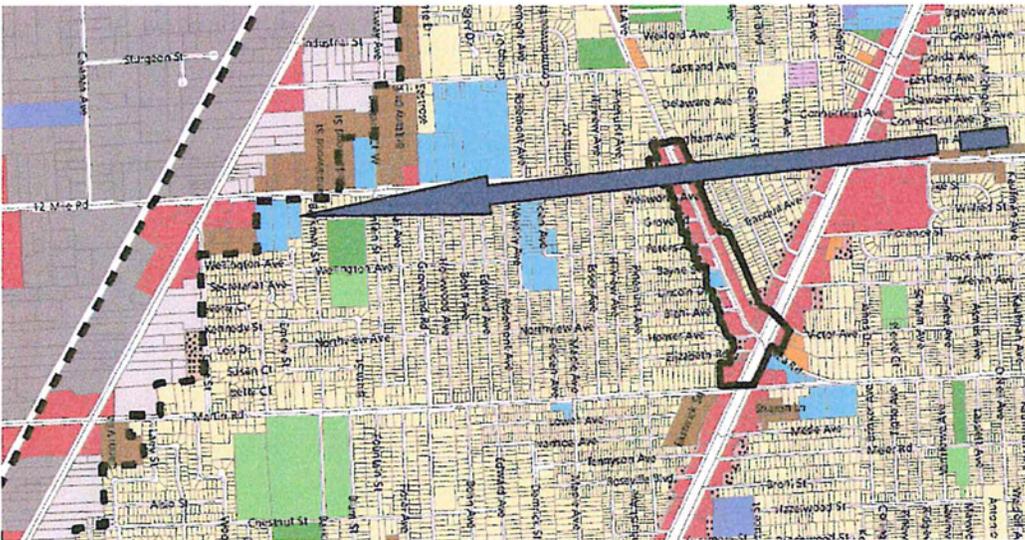




Above is a street view of the subject parcel (center-right). Photo credit: Google maps



Zoning map of subject parcel and surrounding zoning.



Future Land Use Map of subject parcel and surrounding properties.

A site visit was performed on March 11, 2015.

Section 2: Submission Materials

- We received through email from the City of Roseville a *Conditional Rezoning Agreement* with a City of Roseville Building Department Received date stamp of March 30, 2015 on the first page of the agreement.

Section 3: Action Items

The following items are addressed below.

Requirements	Compliance
An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed, or may be made at a later time during the rezoning process.	The applicant has requested a condition pertaining to the rezoning.
The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.	The applicant is aware of the process and the requirements are noted.
The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.	For property zoned RM-1 this requirement is met.
Any use of development proposed as part of an offer of conditions that would require a special land use permit under the terms of the Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.	This procedure will be followed if a special land use is required.
Any use or development proposed as part of an offer of conditions that require variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.	No variance has been requested to date.
The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action provided that, if	The applicant has not amended the conditions, but if the applicant does, the proper procedure will be followed.

such withdrawal occurs subsequent to the Planning Commission’s public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice, new recommendation, and fees.	
The Planning Commission shall give notice of the rezoning request	The Planning Commission has requested a public hearing to be held May 04, 2015.

Section 4: Details

Applicant Status.

According to information provided, the applicant for the property is Anthony and Nancy Bellomo, 16570 12 Mile Road, Roseville MI 48066.

Applicant’s Request.

The applicant requests a conditional rezoning of the property which is currently zoned R-1 Single Family to RM-1 Multiple Family.

Purpose of the Request.

The Conditional Rezoning request notes that the owner is interested in developing or utilizing the Property with an adult care facility, such as adult foster care, nursing care, assisted living or similar form of adult care in accordance with certain conditions set forth in this agreement.

Conditions of the Request.

We call your attention to some of the rezoning conditions noted in the Conditional Rezoning Request are as follows:

- Condition 2.a. Owner agrees to use or develop the property in accord with the proposed development and use. Owner acknowledges that the conditional rezoning was approved by the City based upon the owner’s plans cited herein, and that the property will be utilized in full conformance with this agreement.
- Condition 2.c. Owner agrees to limit any structure on the subject site to one-story structure. Any and all new structures and/or additions shall require and be subject to site plan approval.
- Also under Time Limitation on Rezoning we note the following: The agreement shall be effective from the effective date of the ordinance agreement for three years.

Site Size and Location.

The parcel is rectangle in shape, with frontage along 12 Mile Road of 157.74 feet. The depth of the parcel is 552.42 feet. The acreage of the parcel is 1.99 acres, more or less.

Master Plan Recommendation.

The City of Roseville Master Plan for Future Land Use proposes the subject parcel as quasi-public. A quasi-public use is a use conducted by, or a facility or structure owned or operated by

a nonprofit religious or eleemosynary institution that provides educational, cultural, recreational, religious, or other similar types of public service.

Section 5: Analysis

When the current master plan was adopted in 2010, it was decided that the recommended future land use remain as quasi-public. The Planning Commission is in the process of reviewing the master plan.

Changes in the economy have brought modifications to the buying habits of homeowners. The depression in the housing market has greatly reduced the purchase price of many stand alone single family homes. This has decreased the demand for rental and multi-family units and diminished the need for this type of housing in many areas because many former renters were able to purchase their first home. This has been borne out by the 2010 Census data which showed a drop in Multi-Family housing in the City since the 2000 Census. During the same period, the number of single family homes has increased in Roseville.

The population of the City of Roseville decreased from 2000-2010. It is predicted to continue to decrease in 2020, 2025, and 2030.

Age groups 18-24 and 25-34, strong rental age groups, are also predicted to decrease between 2010 and 2015, and continue to decrease in 2020.

The City has issued zero permits for any new duplex, townhouse, attached condo or multi-unit apartments between 2010-2014.

The subject parcel abuts single family land use to the south and east.

We have concerns with the condition the applicant noted in the agreement that states *the owner agrees to limit any structure on the subject site to a one-story structure. Any and all new structures and/or additions shall require and be subject to site plan approval.* The owner in the agreement is Anthony Bellomo and Nancy Bellomo. Does this allow for future purchasers of the property to build higher than one-story? Also, are future structures allowed to be more than one-story?

The conditions do not address if other uses of the RM-1 are allowed, nor how large the facility will be, how many patients, rooms, or residents may be on site, or whether the facility will require staff living on site.

The time limitation on the conditional rezoning is three years. Site plan approvals are normally for one year, with an extension possible. A non-conditional rezoning does not normally have time limits.

A RM-1 district allows for 0.67% more lot coverage of all buildings than an R-1 Single Family district.

Section 6: Conclusion

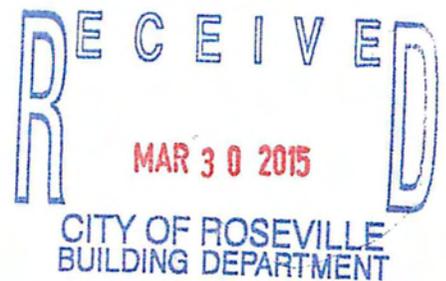
From the foregoing information we have concluded that from a planning perspective consideration should not be given to a master plan and zoning change for the subject parcel to a Conditional Rezoning request of RM-1 Multi-Family at this time. Our conclusion is based on the following determinations:

1. The Conditional Rezoning is inconsistent with the Future Land Use Recommendations of the City of Roseville Master Plan.
2. Rezoning of the single parcel to a Conditional Rezoning RM-1 Multiple Family would be inconsistent with the zoning of parcels to the south, west, and east.
3. There have been no new multi-family units developed in the City in over a decade (since 2003).
4. Younger age residents are predicted to decrease in the City, one of the prime groups of renters.
5. The conditions proposed
 - Would allow for additional lot coverage,
 - Would allow a rezoning or map amendment for three years from the effective date,
 - Would not limit size, patients, rooms etc. beyond the conditions required in a RM-1 district, and
 - Possibly would not bind future owners to the agreement.
6. The current Master Plan is presently being reviewed by the Planning Commission. The Planning Commission should look at this area, including parcels to the west to determine if a rezoning of properties along 12 Mile should be rezoned from R-1 Single-Family to RM-1 Multi-Family.

Section 7: Next Steps

Planning Commission, after public hearing and consideration of the factors for rezoning, may recommend approval or denial of the rezoning.

We will be prepared to discuss the foregoing concerns with you at your convenience.



CONDITIONAL REZONING AGREEMENT

This CONDITIONAL REZONING AGREEMENT is made on April ____, 2015 between Anthony Bellomo and Nancy Bellomo, his wife, whose address 16570 12 Mile Road, Roseville, Michigan 48066, ("Owner"), and the City of Roseville, a Michigan municipal corporation, whose address is 29777 Gratiot Avenue, Roseville, Michigan 48066 ("City").

RECITALS

- A. Anthony and Nancy Bellomo are the owners of a certain parcel of property located in the City of Roseville, Macomb County, more particularly described on Exhibit A.
- B. The Property comprised of Owner's property is currently zoned R-1, One-Family Residential, in the City Zoning Ordinance ("Zoning Ordinance").
- C. Owner is interested in developing or utilizing the Property with an adult care facility, such as adult foster care, nursing care, assisted living or similar form of adult care ("Proposed Development or Use") in accordance with certain conditions set forth in this Agreement, ("Rezoning Conditions").
- D. The Proposed Development or Use consists of a use which is allowed in RM-1 Multiple-Family Residential (Low Rise) zoning classification under the Zoning Ordinance, but which is not permitted under the current R-1 One-Family Residential zoning classification of the Property.
- E. In order to facilitate the development or use of the Property with the Proposed Development or Use, Owner has requested that the City rezone the Property from R-1 to RM-1, conditioned upon the City accepting the Rezoning Conditions offered by the Owner.
- F. City is willing to accept the Rezoning Conditions offered by Owner to develop the Property with the Proposed Development or Use in accordance with the Rezoning Conditions as a condition of rezoning the Property from R-1 to RM-1.
- G. After giving proper notice, the City Planning Commission held a public hearing on the proposed rezoning of the Property, as required by the Michigan Zoning Enabling Act, MCL 125.3101 et. seq. and has submitted its recommendations to the City Council.
- H. Owner and the City wish to set forth their understandings with respect to the Rezoning Conditions to facilitate development or use of the Property with the Proposed Development or Use.

NOW THEREFORE, Owner and City agree as follows:

1. Conditional Rezoning. City agrees to rezone the Property from R-1 Single-Family Residential to RM-1 Multiple-Family Residential (Low Rise) Office to permit development of the Property with the Proposed Development or Use in conformance with the Rezoning Conditions.

2. Rezoning Conditions. Owner agrees to develop or use the Property in accord with the Proposed Development or Use in accordance with the following conditions which have been offered by Owner as a condition of the rezoning:

a. Owner agrees to use or develop the Property in accord with the Proposed Development and Use. Owner acknowledges that the Conditional Rezoning was approved by the City based upon the Owner's plans cited herein, and that the property will be utilized in full conformance with this Agreement.

b. Owner shall be required to comply with all applicable codes and ordinances applicable to development or use of the Property including but not limited to the City Code, construction code(s), the Zoning Ordinance, or requirements of any other governmental agency having jurisdiction over the Proposed Development and Use, except to the extent that City Council has approved modifications or variances to any applicable City requirements.

c. Owner agrees to limit any structure on the subject site to a one-story structure. Any and all new structures and/or additions shall require and be subject to site plan approval.

d. After Owner establishes the Proposed Development or Use on the Property, Owner shall continuously maintain and operate the Proposed Development and Use in accordance with all of the Rezoning Conditions and the terms and conditions of this Agreement.

3. Time Limitation on Rezoning; Reversion to Prior Zoning. The rezoning or map amendment approved by the City as set forth in Section 1 of this Agreement shall be effective from the effective date of the ordinance amendment approving the rezoning or map amendment, provided the Property is developed or used in accordance with this Agreement within a time period not to exceed three (3) years. If Owner fails to meet this time limitation set forth herein (including any extensions granted by the City), then the zoning of the Property shall revert to R-1 Zoning District. The City may agree to extend the time period upon the application of the Owner, but shall not be required to do so.

The reversion process shall be initiated by the City Council requesting that the Planning Commission proceed with consideration of the rezoning of the land to its former zoning classification. The procedure for considering and making this reversion or rezoning shall thereafter be the same as applies to all other rezoning requests.

4. Amendment. During the time period for commencement of an approved development or use specified pursuant to City of Roseville Zoning Ordinance or during any extension thereof granted by the City Council, the City shall not add to or alter the conditions and the statement of conditions.

5. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the Property, and shall run with the land. Owner acknowledges that upon the requested rezoning becoming effective, the use and development of the land shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by the statement of conditions. Owner acknowledges that any failure to fully comply with the conditions as set forth in this Agreement shall constitute a violation of the City of Roseville Zoning Ordinance, and shall be punished accordingly. Owner acknowledges that any use or development approved by the Conditional Rezoning, that may require a special land use permit, variance, or site plan approval under the terms of the City of Roseville Zoning Ordinance, may only be commenced if such special land use permit, variance, and/or site plan approval is ultimately granted in accordance with the terms of the zoning ordinance.

6. Recording. Upon execution of this Agreement by the Owner and the City, this Agreement shall be recorded with the Macomb County Register of Deeds.

7. Amendment. No amendment to this Agreement shall be binding upon the parties unless set forth in a written agreement in recordable form executed by the Owner and the City. Any amendment to the Agreement shall be recorded with the Macomb County Register of Deeds.

8. Voluntary Offer. The Rezoning Conditions imposed in this Agreement for the conditional rezoning have been voluntarily offered by Owner. If Owner elects not to develop or use the Property with the Proposed Development or Use, Owner's rights under the Zoning Act, the City Code and Ordinances, and other applicable laws of this State shall not be affected. It is further agreed and acknowledged between the parties that any improvements and undertakings described in this Agreement are necessary and roughly proportional to the burden imposed by the Conditional Rezoning, and are therefore necessary to ensure that public services and facilities will be capable of accommodating the development and the increased service of facility loads caused by the development, to protect the natural environment and conserve natural resources, to ensure compatibility with adjacent uses of land, and to promote the use of the property in a socially and economically feasible manner, and to achieve other legitimate objectives authorized by law.

9. Reimbursement of Fees. Owner shall reimburse the City for recording fees incurred by the City in connection with approval of this conditional rezoning and any amendments to it, and any costs related to enforcing its terms if Owner does not perform all of its obligations under this Agreement.

10. Counterparts. This Agreement and any amendment to it may be executed by the parties in one or more counterparts, each of which shall be deemed to be an original, and it shall not be necessary for the same counterpart of this Agreement or any amendment to be signed by all signatories in order for this amendment or any amendment to this Agreement to be binding upon all of the parties. When counterparts have been executed by all parties, it shall have the same effect as if one original had been signed by all parties.

11. Ownership. This Agreement has been authorized by all necessary action of the owner, and the owner acknowledges it is the only party having an interest in the property, and that owner has the authority to execute this Agreement and bind the property to the terms and conditions contained herein.

Owner acknowledges that it voluntarily offered the provisions contained in this Agreement. Owner agrees that these statements of condition do not constitute a taking of property for any purpose or a violation of any Constitutional right, and owner agrees to be bound by each and every provision of this Agreement.

OWNER:

Anthony Bellomo

Nancy Bellomo

STATE OF MICHIGAN)
COUNTY OF MACOMB)

This Agreement was acknowledged before me in Macomb County on _____, 2015, by Anthony Bellomo and Nancy Bellomo, his wife (OWNER).

_____, Notary Public
Macomb County, Michigan
Acting in Macomb County
My Commission expires: _____

[Signatures of City Officials follow on next page]

CITY:

City of Roseville
a Michigan Municipality

By: _____
Robert Taylor
Its: Mayor

And

By: _____
Scott Adkins
Its: City Manager

STATE OF MICHIGAN)
COUNTY OF MACOMB)

This Agreement was acknowledged before me in Macomb County on _____,
2015, by ROBERT TAYLOR and SCOTT ADKINS, City Mayor and City Manager,
respectively, of the City of Roseville, a Michigan Municipality.

_____, Notary Public
Macomb County, Michigan
Acting in Macomb County
My Commission expires: _____

Drafted by: When recorded return to:

Richard Steenland, City Clerk
City of Roseville
29777 Gratiot Avenue, PO Box 290
Roseville, Michigan 48066

MOTION MADE BY _____

MOTION SECONDED BY _____

TO AMEND THE CITY OF ROSEVILLE ORDINANCES, CHAPTER 71, SECTION 71-6, TO PERMIT CONSUMPTION OF ALCOHOLIC LIQUOR IN PUBLIC PLACES UPON A WAIVER BEING RECEIVED BY THE CITY COUNCIL FOR COMMUNITY APPROVED EVENTS, TO PROVIDE FOR REPEALER, SEVERABILITY AND EFFECTIVE DATE.

**CITY OF ROSEVILLE
MACOMB COUNTY, MICHIGAN**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CITY OF ROSEVILLE ORDINANCES, CHAPTER 71, SECTION 71-6, TO PERMIT CONSUMPTION OF ALCOHOLIC LIQUOR IN PUBLIC PLACES UPON A WAIVER BEING RECEIVED BY THE CITY COUNCIL FOR COMMUNITY APPROVED EVENTS, TO PROVIDE FOR REPEALER, SEVERABILITY AND EFFECTIVE DATE.

CITY OF ROSEVILLE ORDAINS:

Section 1. Chapter 71, Section 96-5, is hereby amended by adding the following to the subsection after the first sentence:

Some or all othe provisions of this chapter may be waived by Roseville City Council in the event the City of Roseville is a sponsor and/or operator of a carnival. In the event the City of Roseville is a sponsor, the provions related to an operator may be required by the Roseville City Council.

Section 2. Repealer. All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability. If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, being the intent of the City that this ordinance shall be fully severable.

Section 4. Effective Date. Provisions of this Ordinance shall become effective twenty (20) days following adoption.

AYES _____

NAYS _____

ABSENT _____

ROBERT TAYLOR, Mayor

Attested:

RICHARD STEENLAND, City Clerk

CERTIFICATION OF CLERK

I, Richard Steenland, City Clerk of the City of Roseville, Macomb County, Michigan, do hereby certify that Ordinance No. _____ was adopted by the City Council of Roseville, assembled in regular session on _____, 2015. Said Ordinance was posted in the following places:

Roseville Police Station, 29753 Gratiot Avenue
Roseville Public Library, 29777 Gratiot Avenue
Roseville Civic Center, 29777 Gratiot Avenue

Notice of said posting was published in *The Macomb Daily* on _____, 2015.

Richard Steenland, City Clerk

MOTION MADE BY _____

MOTION SECONDED BY _____

TO AMEND THE CITY OF ROSEVILLE ORDINANCES, CHAPTER 96, SECTION 96-5, TO PROVIDE FOR A WAIVER IN THE EVENT THE CITY OF ROSEVILLE IS A SPONSOR AND/OR OPERATOR OF A CARNIVAL, TO PROVIDE FOR REPEALER, SEVERABILITY AND EFFECTIVE DATE.

**CITY OF ROSEVILLE
MACOMB COUNTY, MICHIGAN**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CITY OF ROSEVILLE ORDINANCES, CHAPTER 96, SECTION 96-5, TO PROVIDE FOR A WAIVER IN THE EVENT THE CITY OF ROSEVILLE IS A SPONSOR AND/OR OPERATOR OF A CARNIVAL, TO PROVIDE FOR REPEALER, SEVERABILITY AND EFFECTIVE DATE.

CITY OF ROSEVILLE ORDAINS:

Section 1. Chapter 96, Section 96-5, is hereby amended by adding the following to the subsection after the first sentence:

Some or all othe provisions of this chapter may be waived by Roseville City Council in the event the City of Roseville is a sponsor and/or operator of a carnival. In the event the City of Roseville is a sponsor, the provions related to an operator may be required by the Roseville City Council.

Section 2. Repealer. All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability. If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, being the intent of the City that this ordinance shall be fully severable.

Section 4. Effective Date. Provisions of this Ordinance shall become effective twenty (20) days following adoption.

AYES _____

NAYS _____

ABSENT _____

ROBERT TAYLOR, Mayor

Attested:

RICHARD STEENLAND, City Clerk

CERTIFICATION OF CLERK

I, Richard Steenland, City Clerk of the City of Roseville, Macomb County, Michigan, do hereby certify that Ordinance No. _____ was adopted by the City Council of Roseville, assembled in regular session on _____, 2015. Said Ordinance was posted in the following places:

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Roseville Public Library, 29777 Gratiot Avenue
Roseville Civic Center, 29777 Gratiot Avenue

Notice of said posting was published in *The Macomb Daily* on _____, 2015.

Richard Steenland, City Clerk

MOTION MADE BY _____

MOTION SECONDED BY _____

TO AMEND THE CITY OF ROSEVILLE ORDINANCES, CHAPTER A384, GAS SERVICE FRANCHISE, GRANTING TO CONSUMERS ENERGY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER AND AUTHORITY TO LAY, MAINTAIN AND OPERATE GAS MAINS, PIPES AND SERVICES ON, ALONG, ACROSS AND UNDER THE HIGHWAYS, STREETS, ALLEYS, BRIDGES, WATERWAYS, AND OTHER PUBLIC PLACES, AND TO DO A LOCAL GAS BUSINESS IN THE CITY OF ROSEVILLE, MACOMB COUNTY, MICHIGAN, FOR A PERIOD OF THIRTY YEARS, TO PROVIDE FOR REPEALER, SEVERABILITY AND EFFECTIVE DATE.

**CITY OF ROSEVILLE
MACOMB COUNTY, MICHIGAN**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CITY OF ROSEVILLE ORDINANCES, CHAPTER A384, GAS SERVICE FRANCHISE, GRANTING TO CONSUMERS ENERGY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER AND AUTHORITY TO LAY, MAINTAIN AND OPERATE GAS MAINS, PIPES AND SERVICES ON, ALONG, ACROSS AND UNDER THE HIGHWAYS, STREETS, ALLEYS, BRIDGES, WATERWAYS, AND OTHER PUBLIC PLACES, AND TO DO A LOCAL GAS BUSINESS IN THE CITY OF ROSEVILLE, MACOMB COUNTY, MICHIGAN, FOR A PERIOD OF THIRTY YEARS, TO PROVIDE FOR REPEALER, SEVERABILITY AND EFFECTIVE DATE.

CITY OF ROSEVILLE ORDAINS:

Section 1. Grant Term. The City of Roseville, Macomb County, Michigan, hereby grants to the Consumers Energy Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the City of Roseville, Macomb County, Michigan, for a period of thirty years.

Section 2. Consideration. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

Section 3. Conditions. No highway, street, alley, bridge, waterway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when such work was commenced. All of Grantee's pipes and mains shall be placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes.

Section 4. Hold Harmless. Said Grantee shall at all times keep and save the City free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the City on account of the permission herein given, said Grantee shall, upon notice, defend the City and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

Section 5. Extensions. Said Grantee shall construct and extend its gas distribution system within said City, and shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations.

Section 6. Franchise Not Exclusive. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

Section 7. Rates. Said Grantee shall be entitled to charge the inhabitants of said City for gas furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said City, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said City, acting by its City Council, or by said Grantee.

Section 8. Revocation. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

Section 9. Michigan Public Service Commission, Jurisdiction. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas or electric service in said City.

Section 10. Repealer. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of a gas ordinance adopted by the City Council on October 8, 1985, A384 providing:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in the CITY OF ROSEVILLE, MACOMB COUNTY, MICHIGAN.

and amendments, if any, to such ordinance whereby a gas franchise was granted to Consumer Energy Company.

Section 11. Severability. If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, being the intent of the City that this ordinance shall be fully severable.

Section 12. Effective Date. This ordinance shall take effect upon the later of twenty (20) days from the date of adoption or upon publication thereof; provided, however, it shall cease and be of no effect after thirty (30) days from this adoption, unless within said period the Grantee shall accept the same in writing filed with the City Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said City and said Grantee.

AYES _____

NAYS _____

ABSENT _____

ROBERT TAYLOR, Mayor

Attested:

RICHARD STEENLAND, City Clerk

CERTIFICATION OF CLERK

I, Richard Steenland, City Clerk of the City of Roseville, Macomb County, Michigan, do hereby certify that Ordinance No. _____ was adopted by the City Council of Roseville, assembled in regular session on _____, 2015. Said Ordinance was posted in the following places:

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Richard Steenland, City Clerk