



**MCKENNA**

January 21, 2025

Ms. Teresa Rutt, Village President  
Lake Orion Village Council  
Village of Lake Orion  
21 E. Church St.  
Lake Orion, MI 48362

**Subject: Status Update and Review – Publicly Owned Parcels and Right-of-Way Inventory Project**

Dear President Rutt and Councilmembers:

We are pleased to provide the Village Council with an update on our comprehensive data inventory regarding Village-owned parcels and public rights-of-way ("ROW"). This project was approved in conjunction with the Department of Public Works, the Downtown Development Authority, Village engineering and geospatial consultants, and Oakland County, to **provide a complete list and map of Village-owned parcels and ROWs and preliminary investigation of encroachments/improvements on public land**. This process simultaneously satisfies the County Equalization Office's audit request for all tax-exempt properties within the Village.

### **NEXT STEPS**

As the Council gains a clearer understanding of the extent of encroachments on public lands through reviewing this report and attachments, it is important to consider the potential for further investigation, consultation, and implementation – as well as any legal implications the work may present. Conducting **comprehensive field inspections and documenting those conditions** are the next steps for all Village-owned property and rights-of-way to determine the full scope of the challenge ahead. **Close consultation with the Village Manager, Attorney, Engineers, and Public Works Director** will be critical in developing draft recommendations for the Council's consideration; this consultation should continue through the development of an **Implementation Plan** to enact the Final Report's recommendations over the next several years. We also recommend some public engagement, such as a **Public Hearing or Survey**. Finally, **Implementation** of recommendations is anticipated to last at least two years; this is highly variable based on which recommendations may be employed by the Council and their legal implications.

An estimated schedule and cost for this future work is included at the end of this report.

Should you have any questions during your review or anytime during the project, do not hesitate to contact us.

Respectfully,

**McKENNA**

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## DATA COLLECTION

For baseline analysis, McKenna coordinated with the Village Engineer, DPW Director, and other agencies to obtain and catalog existing datasets for preliminary review and refinement. Sources for these data include:

- **Oakland County:** Tax parcel data; 2023 high-resolution aerial imagery; ROW data with ownership classification; Exempt/Non-Exempt status.
- **Village of Lake Orion:** Confirmation of Village-owned and/or DDA-TIF parcels; Location of Village-owned, ground-level infrastructure from DPW Director and Village Engineer.
- **Other Data for Potential Mapping:** Location of historic easements; Oakland County's data only dates back approximately 60 years.

## FIELD VISITS

On November 12, 2024, McKenna, DPW, and Village Engineering consultants identified a “10%” sample of sites for field investigations and photographs (listed below). On November 19, McKenna and the DPW Director inspected these areas to document their current conditions. Map insets of pictures show the current conditions and where pump stations and encroaching features are relative to the information collected from aerial imagery.

1. **Longpointe Drive:** Public lakeside ROW surrounded by Village-owned bottomlands of Lake Orion; several adjacent property-owners have made changes to the area over time. Nearby Village-owned parcel 09-03-486-006 routinely sees construction or storage trailer parking.
2. **Pump Station No. 6:** Sanitary sewer pump station located in a Village-owned parcel 09-11-104-007 along Westpointe Court, itself containing structures (bridge, retaining wall) necessary for land access to the westernmost properties. The pump station is adjacent to a sanitary manhole on private property recently covered by a deck expansion.
3. **Pump Station No. 7:** Sanitary sewer pump station located within the ROW at the corner of Bellevue Avenue and Buena Vista Avenue; includes general surrounding area, with nearby property-owners having made changes to the area over time.
4. **Pump Station No. 14:** Sanitary sewer pump station located along westbound Central Drive; situated on the property line between two private properties; adjacent property-owner has installed a large boulder retaining wall, with steps leading to a private dock.
5. **Unger Park:** Public property and ROW with structures (residence, mechanical) and private parking.

## DELIVERABLES TO DATE

Attached to this memo are a series of maps and data collected and analyzed thus far.

- **Village Map and Parcel List.** A map of the entire Village identifying the current location of Village- and DDA-owned parcels as well as all public and private rights-of-way with ‘ownership’ classified as either private (typically platted subdivisions), Village (public roads, sidewalks), Oakland County, or the State of Michigan (public roads, sidewalks). This map also includes the location of the Village’s sanitary sewer pump stations, critical infrastructure that are often adjacent to or within private property.
- **Site Maps.** These are reference maps to supplement the field visits that were conducted by McKenna and DPW staff to identify current conditions of access, ownership conflicts, and potential encroachments into Village-owned properties and ROWs. These include images taken during the field inspections.
- **Observation Matrix.** A cool name for the simple table on the following page itemizing the location, type, and intensity of various observed encroachments; the authorization status requires more granular data for the individual improvements by adjacent property-owners (there are hundreds), which might appear as sub-items beneath each general ROW / Village area or site. This table and the site maps will be used by DPW to establish a database of observations in Silversmith for future reference by the Village.



## OBSERVATION MATRIX

The table below is a different way of organizing the narrative descriptions provided earlier. Tables lend themselves well to varying levels of granularity, priority, and status tracking.

Sample Area / Site Nearest Parcel(s) / Asset(s)	Encroachments / Improvements				
	Docks / Hoists, Boat Houses	Parking, Storage	Landscaping	Other structures or improvements	Permit or Authorization
<b>Longpointe Dr.</b> Lakeside ROW / 09-02-306-002 (Lake Orion) / 09-03-486-006 / all adj. parcels	Yes	Yes	Yes	Retaining wall(s), fireplace(s), awning(s), stairs	TBD, unlikely
<b>Pump Station #6 /</b> Westpointe ROW / 09-11-104-007 / adj. 09-11-104-008	Yes	-	Yes	Deck built over manhole on adj. property, stairs, bridge, retaining wall	TBD, unlikely
<b>Pump Station #7 /</b> 09-11-109-002 (Lake Orion) / Bellevue Ave ROW / Buena Vista Ave ROW / all adj. parcels	Yes	Yes	Yes	Fireplaces, awnings, stairs	TBD, unlikely
<b>Pump Station #14 /</b> adj. 09-03-429-012	Yes	-	Yes	Retaining walls	TBD, possible
09-11-153-001 <b>(Unger Park)</b> / adj. 09-11-151-007 & 09-11-151-008	-	Yes	Flower beds	Residential unit, mechanical units	Some, not all

## RECOMMENDATIONS, IMPLEMENTATION, CORRECTIVE ACTION

Recommendations for implementing corrective action(s) would only be appropriate after full inventory and inspection of all Village-owned parcels and rights-of-way, additional consultation with Village staff, and public education and participation in the discussion. It is likely that recommendations will be comprised of a spectrum of actions to address a range of issues, from the stickier – condemnation, demolition, courts – to the less sticky – permits, agreements, land transfers – each carrying their own implications and challenges. Professional surveys will likely be necessary to determine the extent of platted bottomlands, accreted land, and “no-man’s” land (unknown owner, unrecorded land), and to establish legal descriptions ensuring accurate assessment of existing encroachments. Further, corrective actions should be prioritized to ensure the best use of Village resources that best preserves and promotes the health, safety, and welfare of the entire community.



## PROJECT SCHEDULE & FUTURE SCOPE

**Table 1** is the established project schedule to-date; lighter text and dates = completed task. **Table 2** proposes a scope and estimated schedule for completion of a full inventory, report, and Implementation Plan to address the issues identified, which should be revised with Council's feedback; "X" = potential meeting timeframes. Additional work beyond January requires Council authorization. The estimated cost of carrying out **Phase III** is **\$15,700**; **Gage Belko** and **Noah Bussell** are proposed to continue this work with Village staff and officials.

**Table 1: Established Schedule**

TASK	MONTH					
	AUG	SEP	OCT	NOV	DEC	JAN
<b>Phase I</b>						
1) Data Requests, Preliminary Mapping						
2) Draft Map, Parcel List Review w/ Council		23				
<b>Phase II</b>						
3) Review / Refine Data, Maps – Staff Consultation				12		
4) 10% Field Visits, Site Maps, Revisions				19		
5) Final Maps & Review with Village Staff						
6) Final Maps & Next Steps for Council Review						27

**Table 2: Future Schedule – Phases, Next Steps, Cost**

TASK	MONTH					Est. Cost
	FEB	MAR	APR	MAY → AUG	SEP	
Phase III						
7) Council Review and Authorization	X					-
8) Village-Wide Field Inventory & Documentation						\$5,700
9) Draft Site Maps, Observation Matrix						\$2,000
10) Legal, Engineering, DDA, & DPW Consultation						\$3,750
11) Public Hearing / Engagement			X			\$1,750
12) Draft & Present Report for PC / Council Review				X		\$2,500
Phase IV						
13) Draft Implementation Plan						TBD
14) Final Implementation Plan for Council Review					X	TBD
15) Council Authorization for Implementation					X	-
Phase V: Implementation	2-5 YEARS					TBD