

# Procedures for Vacating Streets & Alleys

In most cases, streets and alleys within the City were originally established as public rights-of-way by dedication for use by the public when the land was platted by former owners. These areas were set aside and placed under the control of the City, to be used for public purposes such as providing access to each lot and for installation of utilities to service each property. Because of development patterns over the years and changing needs, certain portions of streets or alleys may no longer be needed for these purposes. State Law (MCL 67.13) guides the process for vacating public streets, alleys, highway, lane, or other public land. Those procedures are described below.

1. Any person desiring any of these changes may submit a petition requesting the change to the City. A petition contains:
  - A description of what is wanted
  - States the section of the street or alley that the person wants vacated (abandoned)
  - A place for printed names and signatures of adjoining property owners
2. Upon receipt of the petition, the City Council schedules a public hearing to consider the petition and hear objections. The City Council gives notice of the hearing by publication in the Reminder (local shopper) or other publication of general distribution in the community. A notice may also be mailed to the affected property owners and utility companies. Such notice is made at least four (4) weeks before the hearing.
3. The City Council may gather information pertaining to the area affected by the requested action, and solicits comments from other City departments including Police, Fire, Engineering and Public Works regarding any anticipated affect it would have on access, traffic flow, fire protection, utilities, refuse collection, snow removal, or other factors. Maps may be prepared, access requirements are determined, and the site is field checked, photographs or videos are taken as needed.
4. The City Council holds the public hearing, at which time any report, map, photographs, and any other pertinent items of information are presented. The person submitting the petition may be asked to explain the petition, and all other interested persons are given an opportunity to be heard and present objections or support for the petition. After all the information is presented, the hearing is closed and the City Council adopts a resolution to grant or deny the petition, which is then forwarded to the County, the State and other appropriate persons and agencies.
5. If objections are received, the City Council may only adopt the resolution to vacate the streets or alley by a majority vote of the City Council. A Circuit Court in the same county as the land affected may order the vacation if the City Council does not.
6. (7) Upon recording a resolution vacating a street or alley, title to the area vacated vests in the owners of adjacent properties within the same plat. Usually, the area

vacated being is divided in the center. These areas will be added to the descriptions of adjacent properties, and the City Assessor's records will be adjusted accordingly for property tax purposes.

7. If a street or alley is closed (not vacated) there is no change in title to the area closed. The street or alley legally remains a public right-of-way under the control of the City, but may be physically closed to access and use by the general public. The closed area may be re-opened at a later date. After action is taken to close an area there is no recording of the resolution in the County land records or with the State.

For assistance or further information regarding the procedures for vacating, closing, or other street and alley changes, please contact the City Manager by calling 427-5831.