

Chapter 2A
ALLEY AND STREET VACATING PROCEDURE

2A.01.00 Title

This Chapter of the Sandusky Code of Ordinances shall be known as the “*Alley and Street Vacating Procedures*”.

2A.02.00 Purpose

The purpose of this Chapter is to provide procedural guidelines for the vacating of alley and streets owned by, or otherwise granted to, the City of Sandusky.

2A.03.00 No partial abandonment, easements shall be maintained

2A.03.01 The Council of the City of Sandusky may vacate or abandon the entire block length of a street or alley by way of the procedure described herein.

2A.03-02 There shall be no partial abandonment of any street or alley within a block length with the exception of those partial alley abandonment’s that may be initiated and granted by the Council if:

2A.03.02A An encroachment existed on and prior to 26 April 1994; AND

2A.03.02B Infringing owner(s) formally petition for abandonment of the encroachment within 60 days of adoption of this Ordinance; AND

2A.03.02C The vacating does not land lock or close access to other parcels of property after 26 April 1994; AND

2A.03.02D In all instances of such vacating, existing and/or necessary easements shall be maintained.

2A.04.00 Definitions

For general, preliminary purposes (and not to the exclusion of more specific applications)

“Abandonment” To surrender, relinquish or disclaim an interest or right in property.

“Alley” A narrow way designed for the accommodation of the property it reaches.

“Easement” A right or privilege held by an entity to use of the land of another for a special purpose.

“Street” An urban thoroughfare (held by deed, dedication or easement) providing primary access to the structures fronting thereon.

“Vacate” To put an end to, to abandon.

2A.05.00 Vacating procedure

2A.05.01 Initiating procedure

2A.05.01A Property Owner Petition

Vacating (or abandonment) of a street or alley connecting two streets and servicing the property owners between may be initiated by the filing of a petition signed by not less than one hundred percent (100%) of the contiguous property owners, including terminus owners, if any

2A.05-01B Resolution of Council

2A.05.01B(1) Vacating or (abandonment) of a street or alley connecting two street and servicing the property owners between may be initiated by the resolution of a majority of the council members elect.

2A.05.01B(2) Vacating (or abandonment) of a portion (on which an encroachment existed on [and before] 26 April 1994 will be initiated by the timely filing (within 60 days of date of adoption) the encroaching landowner's application for partial abandonment.

2A.05.02 Submission to Planning Commission for report and recommendation

Whenever 100% of the owners of property adjoining a street or alley within the City of Sandusky shall sign and file a petition (in the approved form) with the City Council asking the Council to vacate said street or alley, the City Council shall may refer the matter to the Sandusky Planning Commission for study, hearing, report and recommendation to the Council.

2A.05.02A Planning Commission Hearing

Within 60 days of the referral from the City Council, the Planning Commission shall conduct a public hearing on the advisability of vacating the street or alley at issue.

2A.05.02B Notice of Planning Commission Hearing

Notice of such public hearing shall be sent to:

2A.05.02B(1) All public utilities servicing the City of Sandusky,

2A.05.02B(2) All service departments (eg. Police, DPW, fire, water treatment, etc.) of the City

2A.05.02B(3) All contiguous and terminus property owners as related to the street or alley.

2A.05.02C Record of proceedings

The Commission shall prepare and retain a summary of the reasons for support and opposition to the vacation.

2A.05.02D Deliberations

The Commission shall, at open meeting, consider the issue in light of:

2A.05.02D(1) Public comments

2A.05.02D(2) Any formal minimum standards or guidelines as may from time to time be adopted, and

2A.05.02D(3) Any additional factors deemed relevant to the issue.

2A.05.02E Recommendation

The Planning Commission shall formulate a recommendation and submit its record and recommendation to the Council within sixty (60) days after receipt of the referral from the Council.

2A.05.03 Council to review report and confirm or reject recommendation

When the Sandusky Planning Commission has filed its report with the Council concerning the vacation of said alley or street, the Council may, by resolution, confirm or reject the recommendation contained in such report and may:

2A.05.03A Return the matter to the Planning Commission for further study,

2A.05.03B Terminate the proceedings as contrary to best interests of the City, or

2A.05.03C Conduct its own investigation and/or hearings on the matter.

2A.05.03D For those encroachments existing on and before 26 April 1994, the Council shall grant abandonment of the encroaching area when the conditions of §2A.320 are met.

2A.05.04 Council to conduct hearings

In the event the Council deems it advisable to consider vacating said street, alley or easement, it shall set a time **not less than four (4) weeks** thereafter when the Council will meet to hear objections thereto.

2A.05.04A Notice of such meeting shall be published in a newspaper circulating within the City of Sandusky not less than 15 days prior to the council hearings.

2A.05.04B On the date of such hearing, the Council shall review oral and/or written objections to the vacating of the street or alley.

2A.05.04C Thereafter, the street, alley or easement may be vacated by final resolution, or the abandonment procedure terminated and the street, alley or easement reinstated.

2A.06.04D If any objections shall be filed, the street, alley or public ground, or any part thereof, shall not be vacated or discontinued except by a concurring vote of two-thirds (2/3) of the Council members elect.

2A.06.00 Conveyance of title; Retention of Easement

Whenever the City Council shall, by resolution, vacate any street or alley, title to the vacated property shall vest in the contiguous platted property owners, as directed by statute. The Council shall, in the same resolution, reserve an easement therein for public utility purposes within the right-of-way of any such street or alley so vacated.

2A.07.00 Record of vacating

2A.07.01 Book of Street Records

Every resolution discontinuing or vacating any street or alley shall be recorded in a Book of Street Records to be maintained by the City Clerk and the records therein shall be prima facie evidence of all matters therein set forth.

2A.07.02 Auditor General

Within thirty (30) days of the vacation of a street or alley becoming effective, the City Clerk shall forward to the Michigan Auditor General a certified copy of

said resolution, together with his/her certificate giving the name or names of any plat, subdivision or addition affected by such resolution.

2A.07.03 Register of Deeds

Within thirty (30) days of the vacation of a street or alley becoming effective, the City Clerk shall record with the Register of Deeds a certified copy of said resolution.

2A.08.00 Severance and Repealor

Should any section, clause, or phrase of this Chapter be declared by the Courts to be invalid, the same shall not effect the validity of the Chapter as a whole or any part thereof, other than the part so declared to be invalid. All Ordinances or part of Ordinances in conflict with the provisions herewith are hereby repealed to the extent of such conflict.

2A.09.00 Effective date

This Chapter shall be published within twenty (20) days of adoption and shall take effect twenty (20) days after its adoption.

A

**ALLEY AND STREET
VACATING PROCEDURE.....1**

C

**Council to conduct hearings.....3
Council to review.....3**

D

**Definitions.....1
Deliberations.....2**

E

Effective date.....4

N

**Notice of Planning Commission
Hearing.....2**

P

**Partial abandonment.....1
Planning Commission Hearing.....2
Purpose.....1**

R

**Recommendation.....2
Record of proceedings.....2
Record of vacating.....3**

S

**Severance and Repealor.....4
Submission to Planning Comm.....2**

T

Title.....1

V

Vacating procedure.....1