

Moved by Mayor Pro Tem Kloc, seconded by Council Member Milne that an ordinance introduced on April 16, 2018, be taken up and enacted, entitled and reading as follows:

O-203

AN ORDINANCE TO AMEND §32.10 "STREET NAMES; VACATIONS OF STREETS AND ALLEYS," OF CHAPTER 32, "JURISDICTION; STREETS," TITLE III, "ADMINISTRATION," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw Ordains:

An ordinance to amend §32.10 "Street Names; Vacations of Streets and Alleys," of Chapter 32, "Jurisdiction; Streets," Title III, "Administration," of the City of Saginaw Code of Ordinances, O-1.

### **§32.10 STREET NAMES; VACATIONS OF STREETS AND ALLEYS.**

- (A) All streets shall be known and designated by the names applied thereto, respectively, on the map of the City. The naming of any new street or the changing of the name of any street shall be done by ordinance, which ordinance shall amend said City map.
- (B) A street or alley vacation means that the public is relinquishing or vacating, the public interest in the property. After a street or an alley is vacated, the public, except as otherwise provided by law, no longer has a right to use the property for access.
- (C) Vacated portions of streets and alleys shall be shown on said City map. The vacating of any street or alley shall be done by ordinance, which ordinance shall amend said City map.
- (D) *Petition.* Any request for vacating a street or alley within the City limits shall be initiated in writing from one or more individuals who own real property abutting the street or alley proposed to be vacated by their completion of a petition form and provision of the following information:
  - (1) Name and contact information of petitioner;
  - (2) A vicinity map showing the general area of the proposed vacation;
  - (3) Where appropriate, a plat map indicating the specific parcels abutting the street or alley to be vacated;
  - (4) The name, address, and signatures of at least 51% of the individuals owning property abutting the street or alley to be vacated, and within 300 feet of same, indicating their agreement to the proposed vacation.
- (E) *Petition filing.* The petition, and any filing fee established by Council, shall be filed with the City Clerk's Office. The City Clerk will provide copies of the petition

and supporting documentation to the City Engineer, Chief Inspector, and City Planning Commission.

- (F) *City department/staff review.* The City Engineer and the Chief Inspector, or their designees, shall each review the petition and all supporting documentation and determine an estimate of costs as provided herein. Upon payment of that estimate, the City Engineer will conduct any traffic study that is necessary. At the discretion of the City Engineer or the Chief Inspector, the petitioner shall be required to provide the following:
  - (1) A survey, containing an exact legal description of the portion of the road to be vacated; and/or
  - (2) A site or other conceptual plan detailing the proposed use of the vacated street or alley and the timeframe in which any proposed improvements are to be accomplished.

Following the completion of their review, the City Engineer and Chief Inspector shall each submit a report on their review of the petition to the City Planning Commission.

- (G) *City Planning Commission consideration.*
  - (1) *Research.* The City Planning Commission will evaluate the petition and supporting documentation, as well as the reports of the City Engineer and Chief Inspector, and shall base its recommendation on what is in the best interest of the City and how the vacation shall affect the abutting property owners.
  - (2) *Public hearing.* The City Planning Commission will hold a public hearing at which time all interested persons will be heard. Notice of the public hearing shall be mailed via regular mail to all property owners abutting the affected street or alley, and within 300 feet of same, at least fifteen days prior to the date of the public hearing and shall be posted for the general public in the City Clerk’s Office, the City’s website and on the City’s cable network.
  - (3) *Recommendation.* The City Planning Commission may recommend approval, denial, or approval with conditions of the request. The written recommendation of the City Planning Commission shall be forwarded to the City Council for its consideration and shall address, at a minimum, the following criteria:
    - i. How the proposed vacation will benefit the public interest;
    - ii. Whether the proposed vacation will be detrimental to traffic circulation, access, emergency services, utility facilities, or other, similar right-of-way purposes;
    - iii. Whether the street or alley is a necessary part of a long-range circulation, pedestrian/bicycle, or other plan; and
    - iv. Whether the proposed vacation is consistent with the comprehensive plan and adopted street standards.
  - (4) *Notice.* The petitioner will be given written notice of the recommendation of the City Planning Commission.

- (H) *Council final action.* Upon receipt and review of the recommendation from the City Planning Commission on the petition, City Council may sustain the recommendation by introduction and adoption of an ordinance or may rule otherwise. The decision of City Council is final.
  
- (I) *Assessment of costs.*
  - (1) *Upon receipt of petition.* The petitioner shall be provided an estimate of the cost to be incurred by the City in reviewing the petition, conducting any necessary traffic study, providing the public notices required in this section, and conducting the public hearing, which costs shall be the sole responsibility of the petitioner. Upon receipt of payment in full of the estimated costs, the steps set forth in subsections (F)-(H) shall proceed. If payment is not received within thirty (30) days of an estimate being provided, the petition will be considered withdrawn.
  - (2) *Petition approval.* If the petition is approved, the petitioner shall be provided an estimate of the cost determined to implement the street or alley vacation, including the costs of any utility relocation or changing of traffic signs or signals, which costs are the sole responsibility of the petitioner. Upon receipt of payment in full of the estimated costs, City staff shall implement the recommendation. If payment is not received within thirty (30) days of an estimate being provided, the petition will be considered withdrawn.
  - (3) *Estimated costs.* Petitioners shall be responsible for payment of any costs associated with their petition that are in excess of any estimate provided. Should the actual costs involved in processing a petition be less than the estimate paid, any overpayment shall be returned to the Petitioner by the City.
  
- (J) *Withdrawal.* If the petitioner(s) wishes to voluntarily withdraw their petition, they must do so in writing and file same with the City Clerk. Any costs incurred by the City prior to the notice of withdrawal shall be paid as provided herein.
  
- (K) *Abandonment.* Following approval of a petition to vacate a street or alley, if the improvements or use proposed in any plan submitted with said petition are not completed or substantially begun, as determined at the discretion of the City Engineer and Chief Inspector, in the timeframe set forth in said petition, the request for the vacation shall be deemed abandoned, and the City may take any steps necessary to re-open said street or alley to public use.

This ordinance shall become effective May 17, 2018.  
Enacted: May 7, 2018.

Yeas:           Seven  
Nays:           None  
Absent:         Two  
Abstain:        None

**ORDINANCE DECLARED ADOPTED**

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Dennis D. Browning  
Mayor

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Janet Santos, CMMC/MMC  
City Clerk

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on May 7, 2018; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

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Janet Santos, CMMC/MMC  
City Clerk