

22.400

**PROCEDURE FOR VACATING STREETS AND ALLEYS
CITY OF GAYLORD, MICHIGAN
Ord. Effective Apr 2025**

22.401**Sec. 1. Purpose and intent.**

The council shall have power, as provided in Section 13.5, Chapter 13, of the City Charter, to vacate any street, alley or public ground, or any part thereof within the city, subject to state law.

22.401**Sec. 2. Proposed vacation—Initiation.**

Action to vacate any street, alley or public ground, or part thereof, may be initiated by:

- (a) The council, acting on its own; or
- (b) The petition of an owner or owners of property immediately adjoining any portion of the street, alley or public ground, or any part thereof sought to be vacated, upon payment of an administrative fee. The administrative fee shall be established by the city council by resolution. One-half of such fee shall be refundable if said petition is withdrawn by all signatories to the petition prior to mailing of notices for a public hearing. The remainder, along with the entire fee after mailing of the referenced notice, shall be nonrefundable.

22.403**Sec. 3. Referral to Planning Commission.**

Any owners' petition or resolution of city council must be referred to the planning commission for review and recommendation. If any portion of the proposed area to be vacated is in the Downtown Development District, the petition or resolution must also be referred to the Downtown Development Authority for review and recommendation.

22.404**Sec. 3. Public hearing of the planning commission.**

Upon receipt of the petition or resolution, the planning commission must schedule a public hearing. Publication and notice of this public hearing must be given as provided for in the City of Gaylord Zoning Ordinance for cases of rezoning, including notice to all utilities in the affected area. After the public hearing, the planning commission must make a recommendation to city council. The following guidelines are to be considered in making a recommendation:

- (a) Whether the street or alley services a residential, single-family, multifamily, or business area.

- (b) Whether the vacation will create an undue burden on traffic.
- (c) Whether the vacation is necessary to prevent traffic from traveling through the neighborhood to destinations outside the neighborhood or other safety factors such as building access in emergency, speed of traffic, frequency of use, the size and condition of the street or alley.
- (d) The wishes and desires of the majority of the neighborhood.
- (e) The present and future interests of the city considering planning for the entire city.

22.405 Sec. 4. Referral to Downtown Development Authority.

If any portion of the area to be vacated is within the Downtown District, any owners' petition or resolution of city council must be referred to the Downtown Development Authority for review and recommendation.

22.406 Sec. 5. Consideration by city council.

(a) After receipt of the planning commission's recommendation, and if applicable the recommendation of the Downtown Development Authority, city council may adopt any recommendation, adopt any recommendation with modifications, or arrive at a different decision, in its sole judgment. City council may also hold its own public hearing prior to deciding the question.

(b) No street, alley or public ground, or any part thereof may be vacated except by the vote of five or more members of the council.

22.407 Sec. 6. Recording of vacation.

A certified copy of a resolution that effectively and properly vacates a street or alley, or any portion thereof, is to be delivered to the Otsego County Register of Deeds for recording within 30 days by the city clerk. A copy of the resolution must also be sent to the director of the state department of energy, labor, and economic growth.

22.408 Sec.7. Vesting of title, reservation of utility easements.

Upon any vacation of a street or alley by the city, or any portion thereof, the public right-of-way is extinguished and property title will vest according to state law, except that the city in each case is to retain and reserve an easement for installation and maintenance of utilities within the entire former right-of-way unless such an easement, or any portion thereof, is specifically abandoned.