

**CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN**

ORDINANCE NO. O-21-713

AN ORDINANCE TO AMEND CHAPTER 66, VACATING STREETS, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY AMENDING SECTION 66-2 THEREOF

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Chapter 66, Streets, Sidewalks, and Other Public Places, Section 66-2, Vacating streets, of the Code of Ordinances of the City of Oak Park is hereby amended to read as follows:

ARTICLE I.-

Sec. 66-2.- Vacating Streets

The council shall have power, as provided in Section 8.6, Chapter 8, of the City Charter, to vacate any street, alley or public ground, or any part thereof within the city, subject to state law. Such power may be exercised only by ordinance.

(1). 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 to be determined by City Council. Fifty percent (50%) of such fee shall be refundable if said petition is withdrawn by all signatories to the petition prior to mailing of notices for a public hearing on said petition. The remaining balance of the fee, along with the entire fee after mailing of the referenced notice, shall be nonrefundable.

(2). Public hearing by planning commission- Notice. Following delivery of a completed petition of a property owner to the Economic Development Director for the City of Oak Park, the commission shall hold a public hearing on the proposed vacating of the street, alley or public ground, or any part thereof, as described in such resolution, and make its report and recommendation thereon to the council; provided, however, that at least fifteen (15) days' notice of the time and place of such public hearing shall be published in the official newspaper or a newspaper of general circulation in the city, and shall be given by United States mail:

- A. To all persons owning property abutting on such street, alley or public ground, or any part thereof; and

- B. To all persons whose sole access to property owned by them will be taken away by the vacating of such street, alley or public ground, or any part thereof, at the respective addresses of such persons as indicated in the last assessment roll; and
- C. To each public utility company and each railroad company owning or operating any public utility or railroad across, upon or within three hundred (300) feet of such street, alley or public ground, or any part thereof.

(3). Declaration by resolution. The council shall hold a public hearing on the proposed vacating of any street, alley or public ground or any part thereof, the council shall by resolution so declare its intent, and a copy of such resolution shall be delivered to the Oakland County Register of Deeds. Any ordinance vacating a street, alley or public ground, or any part thereof, shall be adopted in the same manner as other ordinances, except as otherwise provided in this chapter. Action of the council refusing to vacate any street, alley or public ground, or any part thereof, shall be by resolution to be passed in the same manner as other resolutions.

(4). Vesting of title of vacated land. Title to the land included within any street, alley or public ground, or any part thereof, vacated under the provisions of this chapter shall vest in the person or persons entitled to the same under Sections 226 and 227a of 1967 PA 288, as amended; provided, however, that in any case not controlled by state law, the council may provide for the vesting of title by the same ordinance in which any street, alley or public ground, or any part thereof, is vacated, and may in such instances authorize the making and delivery of quitclaim deeds on behalf of the city to facilitate such vesting of title.

(5). Ordinance adopting vacation- Filing and recordation requirements. Within thirty (30) days after the adoption of an ordinance vacating any street, alley or public ground, or any part thereof, the city clerk shall file with the register of deeds for the county of Oakland and the Auditor General for the state, a certified copy of such ordinance, together with his certificate giving the name or names of any plat, subdivision or addition affected by such ordinance. The city clerk shall further cause copies of such ordinance to be recorded or filed in such other place or places, and shall perform such other acts in relation thereto as may be required by law.

SECTION 2. Severability.

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this ordinance, except as to the above section and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Oak Park.

SECTION 3. Effective Date.

This ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park, on this 4th day of October, 2021.

T. EDWIN NORRIS
City Clerk

MARIAN McCLELLAN
Mayor

I, T. EDWIN NORRIS, the duly authorized Clerk of the City of Oak Park, Michigan, do hereby certify that the foregoing ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on October 4, 2021.

T. EDWIN NORRIS, City Clerk

First Reading:	September 20, 2021
Second Reading:	October 4, 2021
Adopted:	October 4, 2021
Published	October 10, 2021