

CITY OF WIXOM
49045 PONTIAC TRAIL
WIXOM, MI 48393
Telephone (248) 624 3280
Citymanager@wixomgov.org



GUIDELINES FOR APPLICATION FOR RIGHT-OF-WAY VACATION
City Charter, Section 4.16 and City Code Chapter, Title 12.00.050 Vacating Streets

A petition to vacate a public right-of-way, easement and other public property in the City of Wixom must be submitted on the attached form in accordance with the following instructions. The petition is first considered at a City Council meeting as a Preliminary Hearing where Council will schedule a Public Hearing for consideration of the vacation request. It is subsequently set for a Public Hearing to be held 30 days after the Preliminary Hearing. The petition is forwarded to the City Council along with the City staff recommendation(s) and is placed on the agenda of a City Council meeting for consideration. The action of the City Council is final.

INSTRUCTIONS

The following steps illustrate the vacation procedure. The petitioner should discuss their proposal with the City Manager's Office before starting the vacation process.

STEP 1 - Submit application to the City Manager's Office with the following:

1. Three (3) copies of signed and sealed surveys by a registered civil engineer or licensed land surveyor that shows **existing** conditions & property lines with all impacted properties included
 - a. Include property zoning(s), property ingress/egress, existing building dimensions and setbacks, easements, deed restrictions and any other relevant conditions
2. Three (3) signed and sealed surveys by a registered civil engineer or licensed land surveyor that show **proposed** conditions & property lines with all impacted properties included
 - a. Include property zoning(s), property ingress/egress, proposed building dimensions and setbacks, easements, deed restrictions and any other relevant conditions
 - b. Legal description of property and a property map showing the limits of the property to be vacated
3. Three (3) copies of the legal description of the property to be vacated
4. Petition with signatures from abutting property owners
5. Pay non-refundable application fee of **\$200.00** to the City of Wixom, and submit an escrow deposit of not less than \$500 for consultant reviews and public hearing notices, with leftover escrow funds to be repaid to applicant after Council's decision.

STEP 2- Review by City Staff

The application is reviewed by the City, including Planning, Public Works and Engineering. Staff compiles a report to the City Council to be included for review at the Preliminary Hearing (Step 3). The following factors are reviewed within that report:

1. Will the elimination of the right-of-way create or exacerbate any non-conformities in terms of lot size, access, setbacks, or other features?
2. Is there a foreseeable future need for the right-of way to provide access to undeveloped lots?
3. Will elimination of the right-of-way disrupt the traditional grid pattern of the neighborhood?
4. Are there site features, such as wetlands or steep slopes, that make the right-of-way impractical?
5. Will elimination of the right-of-way potentially impact traffic safety and access for emergency vehicles?

STEP 3 - Preliminary Hearing

The application is then considered by the City Council at a Preliminary Hearing. This hearing is generally held on the first available scheduled meeting of the City Council two (2) weeks after the completed vacation submittal. The applicant will have an opportunity to present the vacation request. At the Preliminary Hearing, the City Council schedules the vacation request for a Public Hearing (Step 4). The Public Hearing is generally held on the first City Council meeting 30 days after advertising of hearing. The Public Hearing notice will be sent to all property owners within 300 feet of the property under consideration for vacation, and will be published in a newspaper of general circulation within the City. **Petitioners must appear at all scheduled Preliminary/Public Hearings.** City Council meetings are generally held on the second and fourth Tuesdays of each month.

STEP 4 – Public Hearing and Decision

The City Council should consider the petitioner's proposal at the Public Hearing, public representations and staff recommendations. After reviewing all available information, the City Council will approve, or deny, the petition. If approved, the vacation petition is formally adopted by resolution and referred to the following: Oakland County Registrar of Deeds, and the State of Michigan for recording with copies being forwarded to the various agencies and public utilities.

SHOULD YOU HAVE QUESTIONS, PLEASE FEEL FREE TO CONTACT THE CITY MANAGER'S OFFICE STAFF FOR ASSISTANCE AT (248) 624-3280.

CITY OF WIXOM
49045 Pontiac Trail,
Wixom, Michigan 48393
Telephone (248) 624-0894
Citymanager@wixomgov.org



APPLICATION FOR RIGHT-OF-WAY VACATION
City Charter, Section 4.16 and City Code Chapter, Title 12.00.050 Vacating Streets

Please see the City’s Guidelines for Application for Right-of-Way Vacation PRIOR to submitting application.

APPLICANT INFORMATION:

Name: _____ Phone No.: _____ E-mail: _____

Address: _____ City/State: _____ Zip Code: _____

Description of area to be vacated: _____

Reason for proposed vacation: _____

Signatures and addresses of ALL abutting property owners, applicant included:

<u>Printed Name</u>	<u>Signature</u>	<u>Address</u>

*(If more than four properties are involved, attach supplement.)

I (We) the undersigned, hereby make application to and petition the Wixom City Manager’s Office and the City Council to vacate a road, street, or alley in the City of Wixom as herein requested, and in support of this application the information provided in this application are true to the best of my knowledge:

 Signature of Applicant

 Date

Applicant Checklist:

- | | |
|---|---|
| ___ Completed & signed application | ___ Legal Description of the property to be vacated |
| ___ Three (3) sets of signed and sealed surveys that shows existing conditions & property lines with all impacted properties included | |
| ___ Three (3) sets of signed and sealed surveys that shows proposed conditions & property lines with all impacted properties included | |
| ___ Petition with signatures from all abutting property owners | ___ Application Fee & Escrow Deposit |

DO NOT WRITE BELOW THIS LINE (OFFICIAL USE ONLY)

DATE: _____ RECIEVED BY: _____

A. DEPARTMENTAL REVIEW/RECCOMENDATIONS

- | | |
|---------------------------------------|---------------------|
| 1. City Planner: _____ | Fees Accrued: _____ |
| 2. Public Works: _____ | Fees Accrued: _____ |
| 3. Engineering (if applicable): _____ | Fees Accrued: _____ |
| 4. City Manager's Office: _____ | Fees Accrued: _____ |

B. ACTION TAKEN BY CITY MANAGER'S OFFICE:

1. Recommendation to City Council (attach copy of report): _____
2. Date of Preliminary Hearing by City Council: _____

C. ACTION TAKEN BY CITY COUNCIL:

1. Date Public Hearing set: _____
2. Date Property Owners within 300ft. notified (attach copy of Public Hearing Notice): _____
3. Date Public Hearing published in Newspaper: _____
4. Date Public Hearing held: _____
5. Vote of City Council: _____
6. Effective date of Vacation: _____
7. Date transmitted to Oakland County Register of Deeds: _____
8. Date Zoning and Master Land Use Map Changed: _____
9. Refund of remaining escrow review fees: \$ _____ Date: _____