

**OTSEGO LAKE TOWNSHIP
COUNTY OF OTSEGO**

TOWNSHIP NO.97-3

ORDINANCE REGARDING STREETS, ALLEYS AND EASEMENTS

Adopted: 10-30-97

Effective: 11-7-97

AN ORDINANCE to regulate the opening, vacating, extending, widening, or changing the name of an existing street or alley, and to regulate the reservation of easements following the discontinuance of streets, alleys or other public lands enacted pursuant but not limited to Michigan Public Act 288 of 1967 as amended, and Act 246 of 1945, as amended, being the Township General Ordinance Statute; and to provide a procedure therefore.

THE TOWNSHIP OF OTSEGO LAKE ORDAINS:

Section 1: TITLE: This ordinance shall be known and cited as the Otsego Lake Township Ordinance Regarding Streets, Alleys and Easements.

Section 2: PURPOSE: The purpose of this ordinance is to carry out the provisions of Sections 256 and 257 of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to provide for the opening, vacating, extending, changing name, or widening of existing streets or alleys; to provide for the reservation of easements following the discontinuance of existing streets, alleys or other public lands shown on a plat, for public utility purposes and other public purposes within the right-of-way of the street, alley, or other public lands discontinued or vacated; to provide for the recording of a certified copy with the Register of Deeds of a resolution as to such opening, vacating, extending, changing name, or widening of street or alley, or the discontinuance of an existing street or alley or other public land shown on a plat; and to provide for the reservation of an easement in the street, alley or other public land so vacated or discontinued.

Section 3: APPLICATION FOR MUNICIPAL APPROVAL: An applicant shall file with the municipal clerk, or other official designated by the governing body for review and approval, a request to open, vacate, extend, widen, or change the name of an existing street or alley, or to discontinue an existing street, alley or other public land shown on a plat.

- A. The application shall be on such form as may be provided by the municipality or in the absence of an approved form shall be in such form as may reasonably inform the municipality of the requested action. The applicant may be a natural person, firm, association, partnership, corporation, municipal corporation (including the

municipality) or combination of any of them that holds an ownership interest in land, whether recorded or not

- B. The applicant shall submit with the application a copy of a recorded survey, plat, or other map showing the location and dimensions of the existing street, alley, or other public land for which municipal action is sought.
- C. The applicant shall submit such fee as may from time to time be established by resolution of the governing body of the municipality pursuant to this ordinance to cover the costs of review of the application and administration of this ordinance.

Section 4: STANDARDS FOR APPROVAL: A proposed opening, vacating, extending, changing name, or widening of an existing street or alley, or a proposed discontinuance of an existing street, alley or other public land shown on a plat, shall be approved if the following criteria are met:

- A. The governing body of the municipality shall consider the application at a regular or special meeting, provided that notice of said meeting is provided in accordance with notice requirements.
- B. If the governing body of the municipality approves the opening, vacating, extending, changing name or widening of the existing street or alley, a resolution shall be adopted.
- C. If the governing body of the municipality shall determine that it is necessary for the health, welfare, comfort and safety of the people of the municipality to discontinue an existing street, alley or other public land shown on a plat, a resolution shall be adopted.
- D. Upon the discontinuance of an existing street, alley or other public land in accordance with the provisions of Subparagraph C above, the governing body may reserve an easement in the street, alley or other public land shown on a plat to be discontinued, provided that said easement shall be for public utility purposes and other public purposes within the right-of-way of the street, alley or other public land so vacated.

Section 5: RECORDING: Immediately following the adoption of a resolution or ordinance opening, vacating, extending, changing the name or widening an existing street or alley, or discontinuing an existing street, alley or other public land, or reserving an easement in said discontinued street, alley or other public land for public utility purposes and other public purposes within the right-of-way of said street, alley, or other public land, the governing body shall cause the resolution to be recorded with the Register of Deeds for Otsego County and shall within said thirty days forward a copy of the resolution to the State Treasurer.

Section 6: SEVERABILITY: The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

Section 7: REPEAL: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this ordinance shall not be construed to repeal any provision in any other ordinance of the municipality.

Section 8: EFFECTIVE DATE: This ordinance shall take effect on November 7, 1997.

Township of Otsego Lake
Lorraine Markovich, Clerk