



# MEMORANDUM

Date: November 5<sup>th</sup>, 2025  
To: City of Madison Heights City Council [November 10<sup>th</sup>, 2025 Meeting]  
From: Matt Lonnerstater, AICP – City Planner  
Subject: Alley Vacation Request # PEE 25-01 – Alley between 601 W. 12 Mile Road and 28767 Dartmouth Road

Please be advised of the following action of the Planning Commission at their September 16<sup>th</sup>, 2025 meeting:

**Motion by Fox, seconded by Graettinger, to recommend that City Council approve alley vacation request PEE #25-01 to vacate a 17 ft.-wide improved public alley between the properties located at 601 W. 12 Mile Rd. and 28767 Dartmouth Rd., in accordance with Section 23-109 of the Madison Heights Code of Ordinances, with the following conditions:**

1. A public utility easement shall be dedicated and recorded over the full width of the vacated alley benefitting the City of Madison Heights and utility companies for underground facilities such as water, sanitary sewer, and natural gas lines, and overhead facilities such as power lines and communication infrastructure.
2. Prior to formal approval of the alley vacation, the applicant shall coordinate with Comcast and any other remaining utility companies with facilities in the existing alley regarding necessary easements or facility relocation. Correspondence from such companies shall be provided to the City Planner prior to final City Council action.
3. This approval is tied to the approval of Special Land Use application PSP #25-05. Should PSP #25-05 be denied by City Council, the approval of alley vacation request PEE #25-01, located at 601 W. 12 Mile Rd. and 28767 Dartmouth Rd., will be void.

**Voting Yea: Commissioner Bliss, Commissioner Fox, Commissioner Graettinger, Commissioner Marsh**

**Voting Nay: Commissioner Sylvester, Chair Champagne**

**Motion carries.**

A public hearing was held at the October 13<sup>th</sup>, 2025 City Council meeting and continued to the October 27<sup>th</sup>, 2025 meeting. However, City Council has not yet taken formal action on the request.

## Introduction

The Community & Economic Development Department has received a request to vacate a 17 ft.-wide improved alley right-of-way located between 601 W. 12 Mile Rd. and 28767 Dartmouth Rd. The alley also provides access to the property at 611 W. 12 Mile Road. All adjacent property owners have signed the petition.

The aerial image below depicts the location of the alley.



## Project Area and Utilities

The existing alley abuts three (3) properties:

- **601 W. 12 Mile Rd.** is improved with a gas station (zoned B-2, Community Business)
- **28767 Dartmouth Rd.** is improved with a single-family residence and detached garage (Zoned R-3, One-Family Residential)
- **611 W. 12 Mile Rd.** is vacant (zoned B-2, Community Business)

The alley first appears in historic aerial photographs in 1974, as shown on the following page. Based on these photographs, the alley historically only appears to service the commercial property at 611 W. 12 Mile Road (formerly Marinelli's Restaurant).

**Historic Aerial Imagery (1974)**



An eight-inch (8") water line and a twelve-inch (12") sanitary sewer line are located within the existing alley right-of-way. The Department of Public Services (DPS) has reviewed the vacation request and requests the dedication of an easement. Therefore, if vacated, the City should retain a public utility easement over the full width of the vacated alley.

The alley vacation request has been sent to DTE Energy, Consumers Energy, AT&T, and Comcast for their input and approval. To date, the City has received responses from Consumers Energy, AT&T and DTE who have all indicated that they have facilities located within the easement:

Consumers Energy: Consumers Energy stated that they have underground natural gas facilities located within the alley. However, they do not object to the vacation if a 12-foot-wide easement is dedicated.

AT&T: AT&T does not object as long as a full-width easement is reserved. They have indicated that they have existing facilities within the alley, with the easement also allowing for future fiber projects.

DTE: DTE responded that they have utility equipment in the public alley in the form of overhead telephone poles/wires and does not object to the alley vacation as long as a full width easement is recorded over the vacated alley.

Staff is still awaiting a revised formal response from Comcast, who had the following comments on the previous alley vacation submittal from 2023:

Comcast: Comcast responded that they have aerial facilities within the alley, likely collocated on the DTE Energy overhead poles. Therefore, relocation of comcast facilities, if necessary, would likely be contingent upon the DTE's support of the alley vacation request.

## Zoning

Per Section 3.03 of the Zoning Ordinance, whenever any street, alley or other public way within the City of Madison Heights shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches. If vacated, the northern 8.5 feet of the vacated alley would attach to the gas station property and be zoned B-2, Community Business, while the southern 8.5 feet would attach to the residential property and be zoned R-3, One-Family Residential.

## Next Step

Based on the Department of Public Service's comments and utility responses, as well as the Planning Commission's recommendation of approval, planning staff does not object to the requested alley vacation. However, a full-width public utility easement will need to be recorded over the property for public utility installation, maintenance, and operation purposes including, but not limited to, water mains, sewers, conduits, storm drains, electric lines, poles, etc. Further, staff recommends the Planning Commission and City Council act upon Special Land Use case PSP 25-05 prior to taking final action on this alley vacation request, as the need for the alley vacation is directly tied to the applicant's desire to construct a private driveway/parking area on the residential parcel at 28767 Dartmouth. Significant progress towards vesting the commercial redevelopment should take place prior to recording the alley vacation resolution. If the Special Land Use is denied, staff recommends that action on the alley vacation either be postponed or the application be withdrawn.

Per Section 23-109 of the "Streets and Sidewalk and Other Public Places" Ordinance, after the required public hearing (held on October 13<sup>th</sup> and 27<sup>th</sup>), City Council may by resolution confirm or reject the alley vacation request. If City Council moves to approve the resolution vacating the alley, staff recommends the following conditions of approval:

1. A public utility easement shall be retained and recorded over the full width of the vacated alley benefitting the City of Madison Heights and utility companies for the purposes of installing, maintaining, repairing, removing or replacing underground facilities such as but not limited to water, sanitary sewer, and natural gas lines, and overhead facilities such as but not limited to power lines and communication infrastructure.
2. The applicant shall coordinate with the Madison Heights Department of Public Services (DPS), Comcast, DTE, Consumers Energy, AT&T, and any other remaining utility companies with facilities in the existing alley regarding necessary easements or facility relocation. Correspondence from such companies shall be provided to the City Planner prior to final recording.
3. The alley vacation shall be conditioned upon the approval of Special Land Use application #PSP 25-05.
4. Substantial progress towards vesting the Special Land Use application #PSP 25-05 shall be made prior to recording the resolution. In regards to this resolution, "substantial progress" shall mean obtaining, at minimum, conditional Engineering Plan approval and depositing with the City the required Site Plan Guarantee Bond. The City Planner is authorized to determine if the applicant has complied with achieving substantial progress on the Special Land Use.
5. The items listed above shall be addressed prior to recording the resolution with the Oakland County Register of Deeds. Within thirty (30) days of the aforementioned conditions being fully satisfied, the City Clerk shall record the resolution and any other required documentation with the Oakland

County Register of Deeds. The resolution vacating the public alley shall only become effective upon being recorded at the Oakland County Register of Deeds.

6. In the case that the aforementioned conditions have not been satisfied within one (1) year of City Council approval of the resolution, the resolution vacating the alley shall be deemed null and void.