

ALLEY VACATION [APPROVAL] – PEE #25-01

Motion by Councilor _____,

Supported by Councilor _____,

WHEREAS, a request has been received from Brian Najor of MAD Fuel Holdings, LLC, 601 W. 12 Mile Road, Madison Heights, MI 48071, to vacate the existing 17-foot wide alley adjacent to 601 W. 12 Mile Road (TM# 44-25-14-202-003; Assessors Plat No. 2 Lots 5 thru 11) and 28767 Dartmouth Street (TM# 44-25-14-202-004; Assessors Plat No. 2 Lot 12) and to retain the existing public utility easements therein; and

WHEREAS, City Council requested the Planning Commission to consider and make recommendations to vacate the 17-foot-wide alley; and

WHEREAS, at their September 16th, 2025 regular meeting, the Planning Commission recommended that City Council approve the vacation of the 17-foot-wide alley, with conditions; and

WHEREAS, City Council held a public hearing on October 13th, 2025, which was continued to October 27th, 2025.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council determines that it is necessary for the health, welfare, comfort, and safety of the people of the City to:

Vacate the 17-foot wide alley adjacent to 601 W. 12 Mile Road (TM# 44-25-14-202-003; Assessors Plat No. 2 Lots 5 thru 11) and 28767 Dartmouth Street (TM# 44-25-14-202-004; Assessors Plat No. 2 Lot 12).

BE IT FURTHER RESOLVED, that the aforementioned public alley is hereby vacated subject to the following conditions:

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; and
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; and
3. The alley vacation shall be conditioned upon the approval of Special Land Use application #PSP 25-05; and
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.

BE IT FURTHER RESOLVED, that the conditions listed above shall be complied with 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 a certified copy of said resolution and any other required documentation with the Oakland County Register of Deeds.

BE IT FURTHER RESOLVED, that this resolution vacating the public alley shall only become effective upon being recorded at the Oakland County Register of Deeds.

BE IT FURTHER RESOLVED, that, in the case that the aforementioned conditions have not been satisfied within one (1) year of the date of City Council approval of this resolution, the resolution vacating the alley shall be deemed null and void.

Yeas:

Nays: