



## MEMORANDUM

Date: July 12<sup>th</sup>, 2023

To: City of Madison Heights Planning Commission

From: Matt Lonnerstater, AICP – City Planner

Subject: Alley Vacation Request #PEE 23-0001 – Alley between 601 W. 12 Mile Road and 28767 Dartmouth Road.

### Introduction

The Community & Economic Development Department has received a request to vacate a 20 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. City Council has referred this request to the Planning Commission for study and recommendation.

The aerial and street view images below depict the location and conditions of the alley.

*Aerial View*



Source: Madison Heights GIS

### Street View



Source: Google Streetview

### Background

Per Section 23-109 (*Vacation of Streets, Alleys, Etc.*) of Chapter 23 of the Code of Ordinances (*Streets and Sidewalks and Other Public Places*), City Council may consider petitions to vacate a street, alley, or right-of-way. When a right-of-way is vacated, the new property is split and allocated to adjacent properties. When 100% of adjacent property owners sign the petition, City Council may consider the initial request and appoint a time not less than four weeks thereafter to establish a public hearing. If desired, City Council may, but is not required to, refer the matter to the Planning Commission for study and report back to Council.

At their July 10<sup>th</sup>, 2023 meeting, City Council set a public hearing date for the August 14<sup>th</sup> meeting, but referred the alley vacation request to the Planning Commission for study and a recommendation prior to the hearing.

### Project Area and Utilities

The existing alley abuts three (3) properties:

- **601 W. 12 Mile Rd.** is improved with a gas station (zoned B-3, General 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-3, General Business)

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

***Historic Aerial Imagery (1974)***



*Source: Oakland County*

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 property.

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

DTE: DTE has responded that they have utility equipment in the public alley in the form of overhead telephone poles/wires and objects to the vacation request. However, in their response letter, DTE states that they are open to relocation options.

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.

Comcast: Comcast responded that they have aerial facilities within the alley, likely collocated on the DTE Energy overhead poles. Therefore, relocation of comcast facilities would likely be contingent upon the DTE relocation plans.

### **Staff Recommendation**

Based on the Department of Public Service's comments, planning staff does not object to the requested alley vacation. However, a minimum 15 ft.-wide public utility easement will need to be recorded over the property. Additionally, the applicant will need to coordinate with utility companies regarding their needs pertaining to easements and facility relocation.

Therefore, staff advises that the Planning Commission recommend to City Council **approval of the requested alley vacation with the following conditions:**

- 1) A minimum 15-foot-wide public utility easement shall be dedicated and recorded on the property benefitting the City of Madison Heights and utility companies for underground facilities such as water, sanitary sewer, and natural gas lines.
- 2) Prior to formal approval of the alley vacation, the applicant shall coordinate with DTE Energy, 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 the alley vacation being recorded at Oakland County.