



**CITY OF YPSILANTI  
NOTICE OF ADOPTED ORDINANCE  
Ordinance No. 1243**

An ordinance to amend Section 94-251 and Chapter 94, Article VIII, Division 2; repeal Chapter 94, Article VIII, Division 3; and add Chapter 94, Article X of the Ypsilanti City Code in order to provide a comprehensive, efficient, and clear procedure to vacate alleys, vacate streets, and close alleys within the City of Ypsilanti.

**1. THE CITY OF YPSILANTI HEREBY ORDAINS** that Chapter 94, Article VIII, Division 1, Section 94-251 of the Ypsilanti City Code of Ordinances be amended as follows:

Sec. 94-251. - Purpose and intent.

The purpose of this article is to set forth the definition and use of alleys within the city, and process for closing ~~or vacating~~ alleys.

**2. THE CITY OF YPSILANTI FURTHER ORDAINS** that Chapter 94, Article VIII, Division 2 of the Ypsilanti City Code of Ordinances be amended as follows:

Sec. 94-271. - Procedure generally.

(a) Public alleys may be closed within the city by ~~ordinance resolution~~ of the city council. Request to close an alley may be made by motion of the city council or petition signed by a majority of the owners abutting the alleyway.

(b) Any owners' petition or resolution of city council must shall be referred to the planning commission for review and recommendation. ~~The city council may refer a council initiated closing to the planning commission for review and recommendation.~~ The following guidelines shall are to be considered in making a decision:

(1) Whether the alley services a residential, single-family, multifamily or business area.

(2) Whether the closing will create an undue burden on traffic.

(3) Whether the closing is necessary to prevent traffic from traveling through the neighborhood to destinations outside the neighborhood or other safety factors such as speed of traffic, frequency of use, the size and condition of the alley.

(4) The wishes and desires of the majority of the neighborhood.

(5) The present and future interests of the city considering planning for the entire city.

Sec. 94-272. - Public hearings.

(a) Upon receipt of the petition or resolution of city council, the planning commission shall must schedule a public hearing. Publication and notice of this public hearing must be given as provided in Section 122-93(a) of this Code of Ordinances. After the public hearing, the planning commission shall must make a recommendation to the city council.

(b) Upon receipt of the recommendation of the planning commission, The city council shall must receive the planning commission recommendation and schedule a public hearing not less than four weeks thereafter to hear any objections. Publication and notice of this public hearing must be given as provided in Section 11.13 of the Charter. Notice of the public hearing must also be given to all city departments and to all utilities servicing the city.

(c) and aAfter the public hearing, city council may adopt the recommendation of the planning commission, adopt the recommendation with modifications, or arrive at a different decision from the decision of the planning commission. City council may also schedule a new hearing date. Publication and notice of the city council public hearing shall be given as provided for in division 3 of this article.

Sec. 94-273. - Method of closing alley.

An alley is to be closed ~~shall be closed~~ by placing a curbed gate or other barrier to traffic at one or more places within the alley to prohibit through traffic.

Sec. 94-274. - Street open to traffic.

Nothing in this article ~~shall~~ is to be deemed to prohibit any person from driving a vehicle upon the closed alley using the entrance which is open to traffic, nor ~~shall it to~~ prohibit any foot traffic.

Sec. 94-275. - Prohibition against interference with closed alley fixtures.

No person ~~shall~~ may move, injure, deface, remove, alter or obstruct in any manner any gate, curb or traffic barrier placed in an alley by the city to close such alley.

Sec. 94-276. - Retention of right-of-way.

The city ~~shall~~ is to retain all right-of-way in an alley notwithstanding the fact the alley is closed unless specifically abandoned.

Secs. 94-277—94-290—94-299. - Reserved

**3. THE CITY OF YPSILANTI FURTHER ORDAINS** that Chapter 94, Article VIII, Division 3 of the Ypsilanti City Code of Ordinances is hereby repealed and removed in its entirety.

**4. THE CITY OF YPSILANTI FURTHER ORDAINS** that Chapter 94, Article X be added to the Ypsilanti City Code of Ordinances as follows:

ARTICLE X. - VACATING STREETS AND ALLEYS

Sec. 94-350. Purpose and intent.

The purpose of this article is to set forth the process for vacating alleys and streets within the city.

Sec. 94-351. Procedure generally.

(a) Public streets and alleys may be vacated within the City by resolution of the city council. Requests to vacate an alley may be made by motion of the city council or petition signed by a majority of the owners abutting the street or alleyway.

(b) Any owners' petition or resolution of City Council must be referred to the planning commission for review and recommendation. The following guidelines are to be considered in making a decision:

(1) Whether the street or alley services a residential, single-family, multifamily, or business area.

(2) Whether the vacation will create an undue burden on traffic.

(3) Whether the vacation is necessary to prevent traffic from traveling through the neighborhood to destinations outside the neighborhood or other safety factors such as speed of traffic, frequency of use, the size and condition of the street or alley.

(4) The wishes and desires of the majority of the neighborhood.

(5) The present and future interests of the city considering planning for the entire city.

Sec. 94-352. Public hearing of the planning commission.

Upon receipt of the petition or resolution, the planning commission must schedule a public hearing. After the public hearing, the planning commission must make a recommendation to city council. Publication and notice of this public hearing must be given as provided in Section 122-93(a) of this Code of Ordinances.

Sec. 94-353. Public hearing of city council.

Upon receipt of the recommendation from the planning commission, city council must schedule a public hearing not less than four weeks thereafter to hear any objections. Publication and notice of this public hearing must be given as provided in Section 11.13 of the Charter. Notice of the public hearing must also be given to all city departments and to all utilities servicing the city.

Sec. 94-353. Consideration by city council; objections.

(a) After the public hearing, city council may adopt the recommendation of the planning commission, adopt the recommendation with modifications, or

arrive at a different decision from the decision of the planning commission. City council may also schedule a new hearing date.

(b) In the event of an objection to the vacation of a street or alley by any city department, utility, or adjoining property owner, such street or alley may not be vacated without two-thirds majority vote of city council.

Sec. 94-354. Recording of vacation.

A certified copy of a resolution that effectively and properly vacates a street or alley, or any portion thereof, is to be delivered to the Washtenaw County Register of Deeds for recording within 30 days by the city clerk. A copy of the resolution must also be sent to the director of the state department of energy, labor, and economic growth.

Sec. 94-356. Vesting of title, reservation of utility easements.

Upon any vacation of a street or alley by the city, or any portion thereof, the public right-of-way is extinguished and property title will vest according to state law, except that the city in each case is to retain and reserve an easement for installation and maintenance of utilities within the entire former right-of-way unless such an easement, or any portion thereof, is specifically abandoned.

**5. Severability.** If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

**6. Repeal.** All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

**7. Savings Clause.** The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**8. Copies to be available.** Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

**9. Publication and Effective Date.** The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 17th DAY OF March, 2015.

\_\_\_\_\_  
Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1243 was published according to Section 11.13 of the City Charter on the 24th day of March, 2015.

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Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 17th day of March, 2015.

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Frances McMullan, City Clerk

Notice Published: February 18, 2015

First Reading: March 3, 2015

Second Reading: March 17, 2015

Published: March 24, 2015 (website)

Effective Date: April 17, 2015