

EM SUBMISSION NO.: 2012EM134

PRESENTED: 2-28-12

ADOPTED: 3-1-12

BY THE EMERGENCY MANAGER:

Resolution to Vacate a portion of a Public Alley

Due notice has been given to all persons interested as to the time and place of a hearing in respect to the proposed recommendation of the Flint Planning Commission to vacate the street, alley or public ground known as a portion of the alley located north of Davison Rd., south of Broadway Blvd., east of Minnesota Ave., west of Franklin Ave. and behind 1701, 1707, 1713, 1717, and 1721 Davison Rd.

Pursuant to the Michigan Planning Enabling Act, a public hearing has been held by the Flint Planning Commission at the regularly scheduled meeting on October 25, 2011. At its meeting on October, 25, 2011, the Flint Planning Commission recommended approval of said alley vacation with an easement reserved for public utility purposes.

IT IS RESOLVED, That a portion of the alley located north of Davison Rd., south of Broadway Blvd., east of Minnesota Ave., west of Franklin Ave. and behind 1701, 1707, 1713, 1717, and 1721 Davison Rd. is hereby vacated and discontinued forever as a public street, alley, or public ground and the same is hereby placed on the assessments rolls for the purpose of taxation.

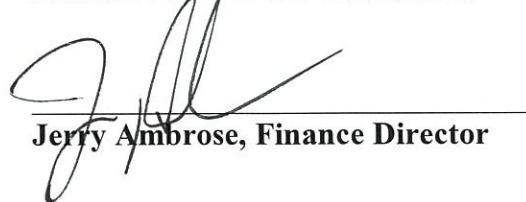
That there is reserved to the City of Flint an easement for public utility purposes, for the operation, repair, maintenance and replacement of sewers, watermains and appurtenances presently installed in the portion of the attached described street, alley or public ground herein vacated, and except further that an easement for public utility purposes for the operation, repair and maintenance and replacement of gas mains and underground and overhead electric and telephone lines and appurtenances presently installed in the portion of the attached described street, alley or public ground herein vacated is hereby reserved to the owners of such facilities. No structures shall be placed over or under any such existing utility without the express written consent of the owner thereof.

That the City Clerk shall within thirty (30) days of this action, record a certified copy of this resolution with the Register of Deeds for Genesee County and forward a certified copy of said resolution to the State Treasurer.

APPROVED AS TO FORM:


Peter M. Bade, Chief Legal Officer

APPROVED AS TO FINANCE:

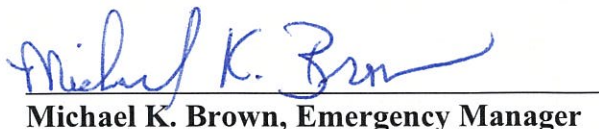

Jerry Ambrose, Finance Director

EM DISPOSITION:

ENACT ✓

FAIL _____

DATED 3-1-12


Michael K. Brown, Emergency Manager

RESOLUTION STAFF REVIEW

DATE: February 17, 2012

Agenda Item Title: Resolution to vacate a portion of a Public Alley

Prepared By: Sheree Pierce, DCED, Dept. of Infrastructure and Development

Background/Summary of Proposed Action:

The Flint Planning Commission received an application (case # PC 11-252) to vacate a portion of the alley (public right-of-way) located north of Davison Road, south of Broadway Blvd., east of Minnesota Ave., west of Franklin Ave., and behind 1701, 1707, 1713, 1717, and 1721 Davison Road in Ward 4. The application was sponsored by City of Flint Councilman Freeman of the 4th Ward. At its meeting on October 25, 2011, the Flint Planning Commission held a public hearing, reviewed the request, and forwarded a recommendation of "approval" with an easement reserved for public utility purposes to the Flint City Council. The Planning Commission vote of 8-0 was unanimous.

The alley is currently being used for illegal parking, dumping, trespassing through residential properties and is blighted with trash and debris. Brown & Sons Co. are the owners of several abutting properties and have been purchasing, demolishing and maintaining lots in the area. They are proposing to install a fence on the north side of the alley and at the east end of the properties they own to aid in the deterrence of blight and current undesirable activity.

During the process of setting a public hearing date and publishing the notice for the public hearing to be held before the Flint City Council, the City of Flint became under State receivership. Therefore, a public hearing notice was not published and a public hearing was not held before the Flint City Council. Emergency Manager Brown has issued Order No. 11 outlining the procedure to be followed for action on matters where state of city law requires a recommendation by the City Planning Commission.

Financial Implications:

None

Budgeted Expenditure? Yes ☐ No ☒ **Please explain if no:** No expenditure necessary.

Account No. N/A

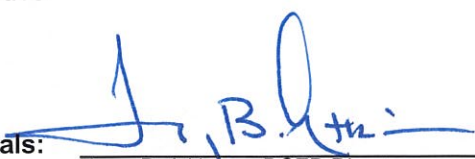
Pre-encumbered? Yes ☐ No ☒ **Requisition #** No requisition needed as no funds will be expended.

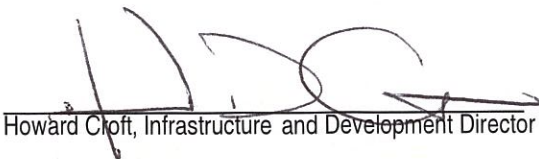
Other Implications (i.e., collective bargaining): There are no known implications.

Staff Recommendation:

Supportive

Approvals:


Tracy B. Atkinson, DCED Director


Howard Croft, Infrastructure and Development Director