

VILLAGE OF OTTER LAKE  
STREET ACCESS AND VACATION ORDINANCE  
ORDINANCE NUMBER 11.1

An ordinance to prohibit motor vehicle use of unimproved street rights of way; to establish standards for the installation of driveways; to establish a procedure for street vacations; to provide for the maintenance of street vacation records; to provide for title to vacated streets; to define "streets" and "driveways"; to prohibit the sale of street properly; and to real the prior ordinances; and to provide for violations.

THE VILLAGE OF OTTER LAKE ORDAINS:

ARTICLE I

Motor Vehicles Prohibited on Unimproved Streets

Section 1.01. No motor vehicle shall be driven on any part of a street right of way which has not been improved for motor vehicle use as a street, alley, or driveway.

ARTICLE II

Driveways

Section 2.01. Driveways across property dedicated or platted or public use may only be established if the following requirements are complied with;

- A. A driveway shall be designed so as to enter the street as nearly as possible at a 90 degree angle.
- B. A driveway shall be designed so as to take the shortest practical route from the lot served to the street.
- C. Driveways for residences shall be a minimum of 12 feet and maximum of 15 feet in width.
- D. Wider driveways may be approved for Commercial Enterprises by the Village Council.
- E. Driveways shall be constructed so as not to interfere with existing drainage. Any culverts needed to facilitate drainage shall be installed.
- F. A driveway shall be constructed so as far as practical to preserve any trees within the street right of way.
- G. Written authorization shall be acquired from the Village Council before any driveway is constructed or used. Village Council authorization shall be granted if the proposed driveway is consistent with the requirements of this section.

Section 2.02. A street may be vacated or closed only if each parcel of land abutting on that street is left with at least one direct access for a driveway to a street maintained by the public.

ARTICLE III

Street Vacation Procedure

Section 3.01. Any person desiring to have a street vacated shall submit a written petition to the Village council. The petition shall be signed by the petitioners and shall specify the name of the street, the portion of the street to be vacated, and the reasons for the vacation.

Section 3.02. Upon receipt of a proper petition or upon the Village Council's own initiative, the Village Council may adopt a resolution setting a public hearing on the proposed vacations. The resolution shall declare that the Village Council deems it advisable that the street area involved be vacated. The date of the public hearing shall not be less that four weeks after the date the resolution is adopted.

- Section 3.03. If a resolution setting a public hearing is adopted, the petitioners shall deposit a sum of money with Village Council sufficient to reimburse the Village for the cost of mailing and publishing notices of the hearing. The amount of the deposit shall be specified by the Village Council. Any unused portion of the deposit shall be refunded to the petitioner.
- Section 3.04. Notice of the public hearing in the form of a copy of the resolution shall be mailed to all property owners abutting on the street proposed for vacation. The names of the property owners shall be taken from the most recent village tax roll. Notice of the hearing shall also be published at least once in a local newspaper not less than five days prior to the date of the public hearing.
- Section 3.05. Upon the completion of the public hearing, the Village Council may vote to vacate the street area in question.
- Section 3.06. Any street vacation may only be granted by a resolution approved by at least four trustees. Such a resolution must contain a finding that the vacation is necessary for the public convenience.

#### ARTICLE IV

##### Street Records

- Section 4.01. The Village Clerk shall maintain a book of street records for the Village.
- Section 4.02. All street vacation resolutions shall be recorded in the book of street records.
- Section 4.03. All street vacation resolutions shall also be recorded with the Lapeer County Register of Deeds.

#### ARTICLE V

##### Title to Vacated Streets

- Section 5.01. Whenever any vacated street lies between two lots within the same plat, the portion of the vacated street adjacent to each lot shall vest in the owner of that lot to the center of the vacated street.
- Section 5.02. Whenever any vacated street lies on the outside edge of a plat, the entire width of the vacated street adjacent to a lot within that plat shall vest in the owner of that lot.
- Section 5.03. Title to street intersections shall remain with the village unless both of the intersecting streets have been vacated.

#### ARTICLE VI

##### Street Defined

- Section 6.01. For purposes of this ordinance, the word "street" shall include all streets, alleys, road right-of-ways, and similar areas platted or dedicated to the village for public travel.
- Section 6.02. For purposes of this Ordinance, the word "driveways" shall mean a private drive which provides access from a parcel of property to an improved street.

ARTICLE VII

Sale of Street Property Prohibited

Section 7.01. No street property shall be sold or otherwise conveyed by the Village to any private party other than by the vacation procedure provided in the Ordinance.

ARTICLE VIII

Repeal of Prior Ordinance

Section 8.01. The former Street Access and Vacation Ordinance Number 11, adopted the 26<sup>th</sup> day of February, 1979, is hereby repealed.

ARTICLES IX

Violations

Section 9.01. Any person who violates Article I of this Ordinance shall be liable to the Village for any damage caused to the street right-of-way, such as damage to ditches, trees or grass within the right-of-way.

ARTICLES X

Severability

Section 10.01. This Ordinance and the various articles, sections, sentences, and clauses thereof, are hereby declared to be severable. If any articles, section, sentences, or clause is adjudged unconstitutional or invalid, the remainder of the Ordinance shall not be affected hereby.

ARTICLE XI

Enactment and Effective Date

Section 11.01. This Ordinance adopted by the Village council of the Village of Otter Lake, Lapeer county, Michigan, at a meeting duly called and held on the 17<sup>th</sup> day of December, 1979.

Section 11.02. This Ordinance published in the Millington Herald on the 25<sup>th</sup> day of December, 1979.

Section 11.03. This Ordinance effective as of the date of publication.

Robert Gifford

Robert Gifford, President Pro-Temp

Margaret Farnsworth

Margaret Farnsworth, Clerk