

Village of Nashville

VACATING STREETS, ALLEYS, OR PUBLIC GROUNDS POLICY

1. Purpose

As it is occasionally necessary for the health, welfare, comfort and safety of the people of Nashville to vacate, discontinue or abolish an existing street, alley, public ground, or part thereof, a procedure therefore shall be established.

2. Council authority to vacate property.

The council shall have power, in accordance with the Village Charter, Act No 3 of the Public Acts of 1895, as amended, to vacate any street, alley or other public ground, or any part thereof, within the Village.

3. Definitions.

Alley - A minor thoroughfare, under the jurisdiction and control of the Village, open to public use, for the purpose of secondary ingress and egress to service adjacent buildings or property.

Public Ground - Any real property or interest therein owned or possessed by the Village, other than an alley or street.

Public Utility - Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

Street - The entire width between boundary lines of every way, other than an alley, which is publicly maintained and under the jurisdiction and control of the Village, when any part thereof is open or may be open to the use of the public for purposes of vehicular travel.

4. Request for Vacation of Public Property.

- a. Submission of Application and Fee. A property owner whose property abuts a street, alley, or public ground may request that such street, alley, public ground, or part thereof be vacated by submitting an application to the Department of Public Works. Such application shall provide a legal description of the street, alley, public ground or part thereof to which the application applies, the name of the abutting property owner and a description of his or her parcel, and shall be accompanied by a fee as established by resolution of the Village Council.
- b. Department of Public Works and Fire Department Review. Upon receipt of an application for vacation, the Department of Public Works and Fire Department

shall review the application and shall submit the same to the Village Council with any objections which the Department may have to such vacation. If there is any current or possible future use of the area proposed to be vacated for utilities, access or similar purposes, the Department shall report any easements which should be retained by the Village in the Street, Alley, public ground, or part thereof in case of vacation.

5. Preliminary Resolution of Village Council.

- a. Declaration of Intent. Whenever the Village Council shall deem it advisable to vacate, discontinue or abolish any street, alley, public ground, or part thereof, the Village Council shall by resolution declare its intention to vacate, discontinue, or abolish, said street, alley, public ground, or any part thereof.
- b. Schedule Public Hearing. In said declaration of intent, the Village Council shall schedule a time and place for the Village Council to meet and hold a public hearing to hear and consider comments and objections submitted in writing or orally pertaining to the proposed vacation, discontinuance, or abolition.

6. Notice of Public hearing.

- a. Published in Newspaper. At least ten (10) days prior to the date of public hearing, notice of the time, place and purpose of the public hearing shall be published in a newspaper of general circulation in the Village.
- b. Written Notice.
 1. Adjacent Property Owners. Written notice shall also be given either personally or by regular mail to the owners and occupants of all property abutting or located within three hundred (300) feet of the portion of the street, alley, public ground, or part thereof proposed for vacation as shown on the current assessment rolls of the Village of Nashville, if within the Village, or of the municipality where the property is located, if not within the Village.
 2. Adjacent Municipality. Written notice shall also be given to an adjacent municipality if any property located within that municipality is to be given notice of the hearing.
- c. County/State Officials; Public Utilities. Written notice shall also be provided at the same time and in the same manner to
 1. The State Treasurer, the Drain Commissioner and the Chairperson of the Board of County Road Commissioners which owns any abutting land or land included in an affected plat.

2. Each public utility which is known to have installations or equipment in abutting land or an affected subdivision or which has a recorded easement or franchise right which would be affected.
3. The Director of the State Transportation Department if any of the abutting land or affected subdivision includes or borders a state highway or federal aid road.

7. Final Resolution of Village Council.

- a. Vacate, Discontinue, or Abolish Action. If after the public hearing, the Village Council determines it is necessary for the health, welfare, comfort and safety of the people of Nashville to vacate, discontinue or abolish an existing street, alley, public ground, or part thereof, the Village Council shall so vacate, discontinue, or abolish by resolution.
- b. Reservation of Easement. In the same Resolution, the Village Council may reserve an easement in the street, alley, or public ground for public utility purposes and other public purposes within the right-of-way of the street, alley, or public ground being vacated, discontinued, or abolished.
- c. Extinguishment of Easement. To the extent permitted by law, the Village Council may by resolution extinguish any such easement whenever the easement ceases to be useful for public utility purposes or other public purposes.

8. Recording of Resolution. Whenever the Village Council by resolution vacates, discontinues or abolishes a street, alley, public ground, or part thereof, the Village Clerk shall, within thirty (30) days, record a certified copy of the Resolution with the Barry County Register of Deeds, and shall send a copy to the State Treasurer. Until recorded, the Resolution shall not have force or effect.

9. Circuit Court Proceedings. To the extent required by state law, a right-of-way vacation may also be accomplished by an action filed in the circuit court in accordance with the state Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.