

ORDINANCE NO. 191

An ordinance amending Ordinance No. 97, The Detroit Zoning Ordinance.

Section 1. PURPOSE. To adopt an amendment to the Detroit Zoning Ordinance No. 97.

Section 2. CHAPTER 2 –Procedure for Vacation of Public Right-of-Way. Chapter 4: Applications and Review Procedures, Subsection 4.1, is hereby revised by the following:

4.1.8 Special Procedures Expedited Land Divisions. An Expedited Land Division (“ELD”) shall be defined and may be used as in ORS 197.360 that is expressly adopted and incorporated by reference here.

A. Expedited Land Divisions. An Expedited Land Division (“ELD”) shall be defined and may be used as in ORS 197.360 that is expressly adopted and incorporated by reference here. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or planned development instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit their right to use it.

1. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or planned development instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit their right to use it.

2. Review Procedure. An ELD shall be reviewed in accordance with the procedures in ORS 197.365;

3. Appeal procedure. An appeal of an ELD shall be in accordance with the procedures in ORS 197.375.

B. Review Procedure. An ELD shall be reviewed in accordance with the procedures in ORS 197.365;

C. Appeal procedure. An appeal of an ELD shall be in accordance with the procedures in ORS 197.375.

4.1.9 Vacation of Public Right-of-Way

A. Petition for Vacation of Public Property, Deposit Required.

1. Whenever a petition for a vacation of any street, alley, avenue, easement, plat, or other public place, or any part thereof, is presented to the city for filing and consideration by the City Council, the person presenting such petition shall deposit with the City Recorder or designee the sum as prescribed by resolution of the Council from which the City Recorder or designee shall deduct the cost of publishing and posting notices of the proposed vacation and any other such expenses as are incurred. In case the actual cost exceeds the amount of the deposit, the City Recorder or

required or provided by law, shall be filed with the County Recorder by the City Recorder or designee. The City Recorder or designee shall also file a certified copy with the County Assessor, County Surveyor, and each affected public utility.

2. No vacation shall be effective until the ordinance vacating the property is recorded by the City Recorder or designee with the County Recorder, and certified copies are filed with the County Assessor, and County Surveyor.

3. No vacation shall be recorded until:

a. All assessments have been paid or an application to pay said assessments has been properly filed;

b. All required legal documents have been signed and filed; and

c. The petitioners have complied with all of the applicable conditions attached to the vacation approval as provided pursuant to subsection F, above.

Section 3. Severability

Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause or phrase. If this ordinance or any portion thereof should be held to be invalid on one ground but valid on another it shall be constructed that the valid ground is the one upon which the ordinance or such portion was enacted.

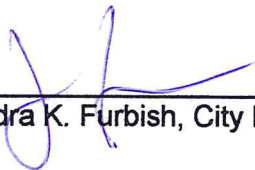
ADOPTED by the Common Council of the City of Detroit this 13th day of May 2003.

SIGNED by the Mayor this 13th day of May 2003.


Harold Hills, Mayor

Attest:

CITY OF DETROIT

By: 
Sandra K. Furbish, City Recorder