

**SUMMARY REPORT TO CITY MANAGER  
for City Council Meeting of 12-4-06**

**SUBJECT:** Vacation of Midfield Lane from Soccer Drive to 430' south of Joseph Drive.

**PETITIONER:** City of Midland.

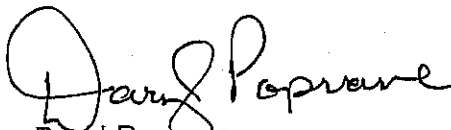
**SUMMARY:** THIS RESOLUTION REFERS THE REQUEST TO VACATE MIDFIELD LANE FROM SOCCER DRIVE TO 430' SOUTH OF JOSEPH DRIVE TO THE PLANNING COMMISSION, THE CITY ENGINEER, AND OTHER CITY DEPARTMENTS FOR THEIR REPORT AND RECOMMENDATION.

**ITEMS ATTACHED:**

- 1. Letter to City Council.
- 2. Resolution for City Council action.
- 3. Map of area.

**CITY COUNCIL ACTION:**

- 1. Public hearing is not required.
- 2. 3/5 vote required to approve resolution.



Daryl Poprave  
Acting Director of Planning & Community Development

DP/djm

11-28-06



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax • [www.midland-mi.org](http://www.midland-mi.org)

November 28, 2006

Honorable Mayor and City Council  
City Hall - 333 West Ellsworth Street  
Midland, Michigan

Dear Councilmen:

The City of Midland has submitted a petition for vacation of Midfield Lane from Soccer Drive to 430' south of Joseph Drive.

This street vacation is associated with the Joseph Drive relocation project and Soccer Club expansion project that was approved by City Council in March 2004. The agreement between the Midland Soccer Club and the City of Midland stipulates that the Midfield Lane street vacation take place after the terms of the agreement are all fulfilled and the roadway completed. That work is now completed.

The project involved an expansion of the Soccer Club and rerouting of the adjacent roadways. Midfield Lane was eliminated as a through street when Diamond Drive was connected directly with Joseph Drive. Joseph Drive and Diamond Drive is now one continuous roadway without the need for the Midfield connector. The Soccer Club has expanded its parking lots to the area previously occupied by Midfield Lane.

Listed below are the reasons for the requested vacation provided by the petitioner.

1. The continuance thereof is unnecessary, in that all property abutting thereon has available alternative means of access and will not be materially affected.
2. The vacation, discontinuance and abolition will be a public improvement and is in the public interest, because the Midland Soccer Club constructed a new roadway.
3. The vacation, discontinuance and abolition is necessary for the health, comfort, and safety of the people in the City of Midland, because a new, safer roadway has been constructed.

Section 23-87 of the Midland Subdivision Ordinance provides for the vacation of public property by the City Council as follows:

When the City Council shall deem it advisable to vacate, discontinue, or abolish any street, alley, public ground, or any part thereof in a subdivision, or upon petition received by the City Clerk requesting such vacation, discontinuance or abolition, and containing the names of the petitioner, his address, a description of the property proposed to be vacated, and the reasons therefore, together with the names of all owners of property abutting on that property proposed to be vacated, or whose access to their property would be prohibited thereby, the Council shall:

- (1) Adopt a resolution referring the matter to the Planning Commission, the City Engineer, and other City departments, as appropriate, for their report and recommendation.
- (2) Upon receipt of the recommendations, declare, by resolution, the intent to take such action as they may deem advisable and, in the same resolution, shall appoint a time not less than four (4) weeks thereafter when they will meet and hear objections thereto.
- (3) Cause a notice of hearing with a copy of the resolution to be published once each week for not less than three (3) weeks before the time appointed for such meeting in a newspaper of general circulation in the City, and cause a copy of such notice and resolution to be sent by certified mail to each owner of property abutting the property proposed to be vacated, or whole access to their property would be prohibited thereby.
- (4) Receive objections to such proposed action either orally at such hearing or in writing filed with the City Clerk prior thereto.
- (5) Either at the same meeting at which such hearing is held, or at any subsequent meeting, adopts a resolution vacating, abolishing, or discontinuing such property, or any portion thereof, on any such conditions as they may deem advisable, or refuse to take such action. Upon receipt of any objections to such proposed action either orally at such meeting or in writing prior thereto, the street, alley, or other public ground or any part thereof shall not be vacated, abolished or discontinued except by concurring vote of four fifths (4/5) of the Councilmen elect. Before any petition seeking vacation of public grounds, or any portion thereof, shall be received by the City Clerk, it must be accompanied by the fee prescribed in Chapter 21 of this code to defray the costs of administration and publication.

A resolution directing the Planning Commission, Engineering Department, and other departments as determined by the City Manager is attached for your consideration.

Respectfully,



Daryl Poprave

Acting Director of Planning & Community Development

LETTER OF TRANSMITTAL – Midfield Lane



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax • [www.midland-mi.org](http://www.midland-mi.org)

BY COUNCILMAN

WHEREAS, the City of Midland has recommended vacation of Midfield Lane from Soccer Drive to 430' south of Joseph Drive; and

WHEREAS, such vacation must be done in accord with Section 23-87 of the Code of Ordinances; now therefore

RESOLVED, that in accord with Section 23-87 of the Code of Ordinances the request to vacate Midfield Lane from Soccer Drive to 430' south of Joseph Drive is hereby referred to the Planning Commission, the City Engineer and other City departments as determined by the City Manager, for their report and recommendation.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 4, 2006.

---

Selina Tisdale, City Clerk

Street Vacation – Midfield Lane

# PROPOSED STREET VACATION

MIDFIELD LN. BETWEEN JOSEPH DR. & SOCCER DR.

