

GARY L. DOVRE  
gdovre@rsjalaw.com

27555 Executive Drive, Suite 250  
Farmington Hills, Michigan 48331  
P 248.489.4100 | F 248.489.1726  
rsjalaw.com



ROSATI | SCHULTZ  
JOPPICH | AMTSBUECHLER

January 21, 2019

Board of Trustees  
Charter Township of Waterford  
5200 Civic Center Drive  
Waterford, MI 48329

RE: Petition by Frank and Eleonora Vago to Vacate Portion of Cottage Grove Street

Dear Township Board Members:

On September 10, 2018, the Township Clerk's office received the filing fee and documents that were treated as a request for the Township Board to vacate part of a platted subdivision street. The documents included December 30, 1992, and September 20, 1995, Road Commission Resolutions abandoning separately described portions of Cottage Grove Street, and a tax parcel map highlighting the street between Lots 132 and 152 as the only part of the street they are asking be vacated (the 1995 Road Commission Resolution appears to have abandoned considerably more of Cottage Grove Street.)

Although those documents were reviewed and signed off on by all Township Departments (see attachment provided with this letter), I recommended against placement on your Agenda until a Petition with the information and documents specified in Section 15-112(b) was filed. That omission was cured with the January 11, 2019 Petition by Mr. and Mrs. Vago, which is the second attachment provided with this letter.

With the required Petition now on file with the Clerk's office, it was proper to place it on your Agenda for the first of two (2) required proceedings before you under Ordinance Section 15-113. At the first proceeding which is scheduled for your January 28, 2019, meeting (and which you may adjourn for stated reasons) you are to be presented with and analyze the Petition and reports and recommendations by the various Township Departments and provide the Petitioner with the opportunity to be heard. Once that proceeding is concluded, the Board has two options.

The first option is to deny the Petition by an adopted Resolution that states the reasons for denial that must be based on something that has been presented by the Petitioner or in the Department reports and recommendation. If the Petition is not denied, the second option is to tentatively determine that the Petition may be granted and set a date for a public hearing. Under that option, the Board may require the Petitioner to submit additional information and documentation by a specified date for consideration at the public hearing.

The Department reviews being provided with this letter do not identify any objections. Subject to your independent review and determination, it would appear that proceeding under the second option and setting a public hearing on the Petition would be appropriate. If you go that route, the February 11th or 25th meetings could be chosen.

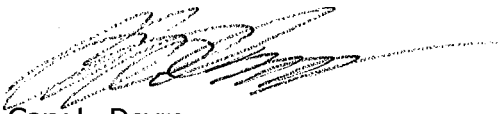
January 21, 2019

Page 2

One consideration that might dictate against February 11th is the need under Ordinance Section 15-113(d) to mail a notice of the public hearing to the Petitioners, the County Water Resources Commissioner, and the owners of lots within 300 feet of the any part of the street proposed to be vacated. While the Ordinance does not specify a deadline for those notices in relation to the hearing date, it would seem that you would want to pick a hearing date that allowed the notices to go out at least a week ahead of time.

Very truly yours,

ROSATI SCHULTZ JOPPICH  
& AMTSBUECHLER PC



Gary L. Dovre

Attachments (2)