



CITY OF MADISON HEIGHTS
COUNCIL CHAMBERS - CITY HALL, 300 W. 13 MILE RD.
PLANNING COMMISSION MEETING AGENDA
JULY 18, 2023 AT 5:30 PM

CALL TO ORDER

ROLL CALL

ADDITIONS/DELETIONS

APPROVAL OF MINUTES

1. June 20th, 2023 Meeting Minutes

MEETING OPEN TO THE PUBLIC: Items not listed on agenda

UNFINISHED BUSINESS

2. Regulated Uses - Massage Parlors/Establishments and Pawnshops - Section 10.502[A]

NEW BUSINESS

3. PEE 23-01 - Requested Alley Vacation - 601 W. 12 Mile Road

PLANNER UPDATES

4. Zoning Ordinance Rewrite Update

MEMBER UPDATES

ADJOURNMENT

NOTICE: Persons with disabilities needing accommodations for effective participation through electronic means in this meeting should contact the City Clerk at (248) 583-0826 or by email: clerks@madison-heights.org at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.



CITY OF MADISON HEIGHTS
PLANNING COMMISSION MEETING MINUTES

June 20, 2023
Council Chambers – City Hall
300 W. 13 Mile, Madison Heights, MI 48071

1. CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:31 p.m.

2. ROLL CALL

Present: Chair Josh Champagne
Mayor Roslyn Grafstein
Mayor Pro Tem Mark Bliss
Commissioner Eric Graettinger
City Manager Melissa Marsh
Commissioner Cliff Oglesby
Commissioner Grant Sylvester arrived at 5:39 p.m.

Absent: Commissioner Melissa Kalnasy

Also Present: City Planner Matt Lonnerstater
Assistant City Attorney Tim Burns
Business Services Coordinator Mary Daley

3. EXCUSE ABSENT MEMBERS

Motion by Grafstein, seconded by Oglesby to excuse Commissioner Melissa Kalnasy.

Motion carries unanimously.

4. APPROVAL OF THE MINUTES

Motion by Bliss, seconded by Graettinger to approve the minutes of the regular Planning Commission meeting of May 16, 2023.

Motion carries unanimously.

5. PUBLIC HEARING

No public hearing scheduled.

6. PUBLIC COMMENT - For items not listed on the agenda

Matthew Savaya, owner of Victoria Jewels, located at 28731 Dequindre addressed the

Commission and thanked them for allowing him to be here.

7. UNFINISHED BUSINESS

None at this time.

8. NEW BUSINESS

Recently, City Council had directed the Planning Commission and staff to review the list of Regulated Uses contained within the Zoning Ordinance and determine if updates to the list are needed. Initially, the list of Regulated Uses only included sexually-oriented businesses such as cabarets, adult theaters, adult retail and book stores. Throughout the years, the list has expanded to include non-sexually-oriented businesses such as tattoo parlors, pawnbrokers, used goods sales, massage parlors, and billiard halls. Regulated Uses are subject to strict siting, approval, and licensing requirements and are also regulated separately under the Business Regulations and Licenses Ordinance. For this meeting, informal discussion primarily focused on non-sexually oriented uses.

The Commission would prefer to proceed as part of the ongoing comprehensive zoning ordinance rewrite project rather than stand-alone zoning text amendments.

1. Tattoo Parlors

Staff and Commission discussed the reputation of tattoo parlors, their value in a community and if the Planning Commission would prefer to continue to treat them as a regulated use and if not, perhaps instead classify them as a personal service. Another option would be to regulate them separately. Commissioner Bliss suggested they are regulated similarly to barber shops and we should license them the same way, through the Certificate of Occupancy or Business License process.

2. Pool/Billiard Halls

Pool and billiard halls are defined as a commercial establishment where pool or billiard tables are provided for use on the premises by the public. The Planning Commission discussed whether or not pool/billiard halls should remain as a Regulated Use, or should they be removed? If removed, should pool/billiard halls be classified as an "indoor recreational" use, or should they be treated separately? If we remove them from regulated uses, it would likely be redefined as a commercial establishment where the primary use is pool or billiard tables. Similar amusement uses, such as bowling alleys and indoor recreational uses, are permitted either by right or through special approval in the City's commercial zoning districts. Discussion continued in regards to which zoning districts should they be permitted in if regulated separately, and if there should be any supplemental regulations.

3. Used Goods Uses

A used goods business is one engaged with a substantial portion of their business comprising the sale of used goods, including, but not limited to, secondhand and junk dealers, as defined pursuant to Public Act 1970, No. 350, as amended, MCL 445.401 et seq., and persons engaged in substantially similar uses. Not included shall be the occasional resale of goods which is not a principal business purpose.

This would include thrift stores, consignment shops, antique shops, and boutique "vintage" shops. Note that this classification does not include pawnshops or junkyards, which are both listed as separate uses in the Zoning Ordinance and regulated separately.

A primary question for the Planning Commission is whether or not secondhand or used goods stores should be treated and classified differently from general retail businesses, which are permitted by right in the City's business districts. If it is removed from the regulated uses, any outdoor impacts such as goods drop offs, would be regulated through the site plan process.

Staff will research other communities' ordinances pertaining to used-goods uses and their requirements.

4. Pawnbrokers

Our ordinance defines pawnbrokers as any person, corporation, or member or members of a co-partnership or firm, who loans money on deposit or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price. Pawnbrokers are similar to Used Goods Uses in that they offer secondhand sales of used items, pawnbrokers also offer loans, with interest, for personal property.

Staff and the Commission discussed a response from the Police Department as detailed in the packet. Attorney Burns noted that State Law essentially says pawnshops have to report transactions within two days but they put the burden on the local Police Department in regard to enforcing that requirement. Staff and Attorney Burns will research ordinances from other communities to see how they treat pawnbrokers.

5. Massage Parlors

Massage parlors are defined as any business establishment whose principal business is the practice of massage and which has a fixed place of business where any person, firm, association or corporation carries on massage as the principal use.

Planner Lonnerstater discussed remarks from the Madison Heights Police Department as described in the packet. Attorney Burns has issues and concerns about current businesses. Staff also recognizes that legitimate massage facilities exist in other communities. Commissioner Bliss and Commissioner Marsh would like Staff to research what Troy, Rochester Hills and Bloomfield Hills do to regulate these types of facilities.

9. PLANNER UPDATES

Planner Lonnerstater briefly updates the Commission on the Zoning Ordinance Rewrite. The Committee last met on June 6th to discuss housing types.

Planner Lonnerstater provided a development update as outlined in the packet.

10. MEMBER UPDATES

No member updates.

11. ADJOURNMENT OF MEETING

Meeting adjourned by the Chair at 6:50 pm.



MEMORANDUM

Date: July 12th, 2023
 To: City of Madison Heights Planning Commission
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Regulated Uses – Massage Parlors/Establishments and Pawnshops

At the June 20th, 2023 meeting, staff and the Planning Commission reviewed the existing list of Regulated Uses (Section 10.502[A] of the Zoning Ordinance) and discussed whether certain uses should be removed from the list. At the conclusion of this discussion, the Planning Commission directed staff to remove the following uses from the list of Regulated Uses as part of the ongoing comprehensive Zoning Ordinance rewrite:

- Pool and Billiard Halls
- Tattoo Parlors
- Used Goods Uses

While massage parlors and pawnshops were also included in this discussion, the Planning Commission asked staff to return with a more detailed analysis of these uses, including research into how other municipalities regulate them. As directed, this memo provides more information on local and state regulations pertaining to massage parlors and pawnshops. Additionally, staff has put together comparative charts relating Madison Heights' current regulations to other Michigan municipalities. The list of municipalities primarily consists of cities within the metro Detroit region, but also includes several cities whose zoning ordinances were used as references as part of the Zoning Ordinance rewrite project

MASSAGE PARLORS AND MASSAGE ESTABLISHMENTS

In Madison Heights, businesses performing massages may be classified either as a “massage parlor” or “massage establishment”, as defined below:

- *Massage Parlor: Any business establishment whose principal business is the practice of massage as defined in this section, and which has a fixed place of business where any person, firm, association or corporation carries on any of the activities as defined in this section, as the principal use or as an incidental or accessory use in excess of the limits provided in the definition of massage establishment. A massage parlor is a regulated use pursuant to Section 10.502[A] of the Madison Heights Zoning Ordinance and requires a special approval use permit from City Council.*
- *Massage Establishment: Any business where the practice of massage is performed incidental or accessory to a permitted principal use. The area used for massage may not exceed ten percent of the businesses' total floor area and may not exceed three work areas. This includes uses such as a health club, health spa, physical fitness club, hair salon or other business that customarily offers massage on occasion and incidental or accessory to its principal operation.*

Massage Parlors

Massage Parlors, as a principal use, are subject to the following local ordinances and regulations:

- Regulated Uses (Section 10.502[A] of Zoning Ordinance); and
- Regulated Uses (Article VII of the Business Regulations and Licenses Ordinance); and
- Massage Parlors and Massage Establishments Ordinance (Article XII of the Business Regulations and Licenses Ordinance).

As a Regulated Use, massage parlors are permitted in the B-2, Planned Business, and B-3, General Business, zoning districts through the Special Approval process (City Council approval). However, strict siting standards for Regulated Uses (including 1,000 feet from other Regulated Uses and 300 feet from residential uses, religious institutions, schools, parks, or childcare facilities) severely limits the number of properties where a massage parlor can legally be established.

Per the Massage Parlors and Massage Establishments Ordinance, anyone engaged in the practice of massage (defined as a “Massage Therapist” per the Ordinance) is required to first obtain a Massage Therapist License through the State of Michigan, in compliance with Public Act No. 471 of 2008. To obtain a State Massage Therapist License, an applicant must:

- (1) Have a high school diploma or equivalent; and
- (2) Be at least 18 years of age; and
- (3) Have passed an examination adopted by the Michigan Board of Massage Therapy; and
- (4) Have obtained at least 500 hours of clinical massage classroom or course instruction.

State Massage Therapist Licenses are valid for three years, with 18 continuing education credit hours required to renew.

Evidence of a valid state license is required for the issuance of a Madison Heights’ massage parlor/massage establishment business license. The initial business license request is required to appear before City Council, with annual administrative renewal required.

Note that medical practitioners, barbers and cosmetologists who offer neck, face, and scalp massages, and schools offering massage therapy courses are not considered massage parlors or massage establishments in Madison Heights and are exempt from the Regulated Use standards and Massage Parlors and Massage Establishments Ordinance.

Massage Establishments

Massage Establishments, as accessory uses, are not considered Regulated Uses but are still subject to the Massage Parlors and Massage Establishments Ordinance standards listed above. Madison Heights still requires evidence of a state Massage Therapist License prior to issuing a massage parlor/massage establishment business license.

Municipal Comparisons

The attached Municipal Regulations Comparison Chart compares Madison Heights’ massage parlor/massage establishment regulations with those of other Michigan municipalities. These

municipalities are organized into three categories based upon the restrictiveness of their massage standards:

Least Restrictive: The cities of Troy and Warren do not appear to place any additional zoning regulations on massage parlors or establishments. However, both have separate massage business licensing ordinances, and Troy limits the number of massage therapy licenses to 18 per year.

Semi-Restrictive: The cities of Ferndale and Holland allow massage clinics and establishments by right in their business districts. However, such facilities and their employed massage therapists must be professional members of the American Massage and Therapy Association (AMTA) or another nationally-recognized massage therapy organization. Marquette allows massage parlors with professional AMTA massage therapists by-right, but classifies non-AMTA facilities as a special land use with strict separation requirements (e.g. 300 feet from residential, 500 feet from schools and parks).

Most Restrictive: Similar to Madison Heights, the cities of Royal Oak, Birmingham, Novi, and Livonia classify massage parlors as a regulated use. Each of these municipalities requires massage facilities to obtain special land use approval and meet strict separation requirements.

There are a number of professional associations and organizations for massage therapists (refer to attached document). However, a few stand out as “designation-granting” associations which issue certifications to members that achieve certain benchmarks. For example, the American Massage Therapy Association (AMTA) is the largest professional association for massage therapists and offers a professional membership certification to members who obtain a minimum number of training hours. The American Medical Massage Association (AMMA) offers a certification for members who wish to become a certified *Medical Massage Therapist*.

Considerations for Madison Heights

Based on the comparison chart, Madison Heights is not alone in treating massage parlors as a regulated use, employing strict approval processes and stringent location requirements. However, municipalities across the state appear to have a spectrum of regulations, with multiple tools and levels of standards relating to massage establishments. Based on staff research, Michigan’s Massage Therapy licensing act does have built-in certification and educational “safety nets”. Further, additional layers of certification may be considered through a requirement that state-licensed massage therapists also be certified through a professional massage therapy association.

As discussed at the previous Planning Commission meeting, the Madison Heights Police Department has provided a brief response, summarized below, on the question of removing massage parlors from the list of Regulated Uses:

Since the reopening of the Special Investigations Unit (SIU) in 2019, detectives investigated approximately 15 advertised massage businesses (apartments/houses) and 5 massage parlors (store front) after receiving tips that illicit acts were occurring at these establishments. SIU was asked to investigate massage parlors that fell outside of the Madison Heights area due to our experience in handling these types of cases.

Through these investigations, it was discovered that 3 out of the 5 massage parlors offered illicit acts and were involved in the sex trafficking industry. All the massage businesses being ran out of an apartment/house offered an illicit act as part of the massage service. In almost all cases, the subjects arrested during these investigations ended up being victims of the sex trafficking trade.

Not all massage parlors are houses of ill fame, but our ordinances may need to be revised prior to any future approvals as an extra layer of protection. Even a legitimate professional masseuse will most likely be propositioned by an aggressive client leading to the need for additional police services.

PAWNBROKERS

In Madison Heights, pawnbrokers are defined as:

Any person, corporation, or member or members of a co-partnership or firm, who loans money on deposit or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

Pawnbrokers are subject to the following local ordinances and regulations:

- Regulated Uses (Section 10.502[A] of Zoning Ordinance); and
- Pawnbrokers (Article V of the Business Regulations and Licenses Ordinance); and
- Regulated Uses (Article VII of the Business Regulations and Licenses Ordinance); and

As a Regulated Use, pawnbrokers are permitted in the B-2, Planned Business, and B-3, General Business, zoning districts through the Special Approval process (City Council approval). However, strict siting standards for Regulated Uses (including 1,000 feet from other Regulated Uses and 300 feet from residential uses, religious institutions, schools, parks, or childcare facilities) severely limits the number of properties where a pawnbroker can legally be established.

State Act PA 273 of 1917

Madison Heights' pawnbroker and business licensing regulations require pawnbrokers to meet the record keeping and business practice requirements of Michigan's Pawnbrokers Act, Public Act 273 of 1917. Major requirements and contents of the state act include:

- Pawnbrokers shall submit a \$3,000 surety bond to the local municipal government.
- Pawnbrokers shall be required to renew their pawnbroker licenses from the municipality on an annual basis.
- Pawnbroking is prohibited on Sunday.
- Pawnbrokers shall record all personal property received at the place of business, including description of the item, any amount of money loaned, identification of the person from whom the item was received, day and hour when the item was received, among other information. A template record of transaction form is provided in the Act. Record keeping may be done digitally.
- Within 48 hours after an item is pawned, pawnbrokers shall send a copy of the record of transaction to the local police agency.

- Pawnbrokers shall submit a daily record of transactions to the local police agency.
- Interest may be charged on a loan at a rate not to exceed 3% per month.
- Pawnbrokers shall not allow items to be pawned from persons under 18 years of age or a person that the pawnbroker suspects as having stolen the item.

In addition to the requirements listed above, the state Act allows local law enforcement to place a hold on personal property that, with probable cause, is believed to have been stolen or misappropriated.

Although the state requirements and record keeping regulations are stringent, PA 273 of 1917 places the responsibility of reviewing, approving, and enforcing pawnbroking licenses on the local municipality. The Madison Heights Police Department has provided a brief response, summarized below, on the question of removing pawnbrokers from the list of Regulated Uses:

The Police Department is not in favor of allowing pawnshops to be removed from regulated use status or zoning requirements. Pawnshops are not the same as resale shops. Pawnshops either buy items directly from a consumer, mark them up based on their profit margins and resell the items similar to that of resale shops; unfortunately, this is not the majority of their business. Pawn Shops are well known for purchasing stolen items. Criminals that steal items go to the Pawn Shops to get their quickest pay off for the stolen items. The pawn shops, unfortunately, don't question where the merchandise came from, and the police department has had serious problems getting them to comply with requirements such as reporting all their purchases to Leads Online. Further, the pawnshops that we have had here in the past were taking merchandise that was stolen and were selling this property without notifying the police department or using the required Leads Online reporting system. Further, one business was eventually closed for failing to disclose stolen property and having property melted down without retaining it for the required amount of time under the law in case the merchandise was indeed stolen.

Further, pawnshops allow property to be pawned for loans with very high interest rates and eventually foreclose on the property that was pawned if the person is unable to repay the loan in a certain amount of time. This can be said to be similar in nature to loan advance stores but is really completely different in the fact that you are putting your personal property up as collateral for instant cash. Pawnshops are known to give very low amounts in comparison to the value of the property pawned. What we have seen is that people are addicted to drugs pawn some of their last heirlooms in order to purchase drugs and are unfortunately never able to recover them.

The police department is highly concerned that having pawnshops in our city will increase crime, it will directly bring crime into our city by having a location for stolen goods to be sold, and will increase the police department's duties to investigate more of the type of property crimes that are associated with pawnshops. Pawnshops are not like what is seen on TV in any way, shape or form. The shows are highly sensationalized and are not a true indication of what pawnshops are like.

Municipal Comparisons

The attached Municipal Regulations Comparison Chart compares Madison Heights' pawnshop regulations with those of other Michigan municipalities. The studied municipalities are organized into two categories based upon the restrictiveness of their massage standards:

Least Restrictive: The cities of Troy, Marquette, Holland, and Novi do not reference pawnshops in their Zoning Ordinances. While these communities do have separate pawnbroker licensing ordinances, they do not appear to go above and beyond the requirements of the state Pawnbroker Act. Novi, however, does require City Council approval for pawnshop establishments. The City of Ferndale only allows pawnshops in their “Extended Business District” but does not appear to have any supplemental regulations or separation requirements.

Most Restrictive: Similar to Madison Heights, the cities of Royal Oak, Birmingham, Livonia, and Warren classify pawnshops as regulated uses. In particular, Royal Oak and Warren contain very stringent separation requirements (Royal Oak prohibits pawnshops within 150 feet of residential property, compared to Madison Heights’ 300 foot requirement).

Compared to massage regulations and based upon the municipal comparison chart, there appears to be a narrower spectrum of local requirements relating to pawnshops; municipalities either allow them by-right (or sometimes as a special use) *or* severely restrict their locations via separation requirements, with little in between. Madison Heights falls on the latter end of this spectrum.

Considerations for Madison Heights

Based on the comparison chart, Madison Heights is not alone in classifying pawnbrokers as a regulated use, employing strict approval processes and stringent location requirements. Compared to massage establishments which have an umbrella of state and national-level licensing and certification processes, the regulation of pawnshops in the State of Michigan appears to rely primarily on local licensing and enforcement. As with the Police Department’s comments, planning staff has concerns regarding the capacity of local law enforcement to monitor all pawn transactions and the stress and additional burden of enforcing the State Pawnbroker Act.

Next Steps

Following the discussion at the meeting, staff will look to the Planning Commissions for guidance as to whether or not Massage Parlors/Establishments and Pawnbrokers should continue to be classified as regulated uses under the Zoning Ordinance. Changes to zoning regulations, if desired, will be folded into the ongoing comprehensive Zoning Ordinance rewrite project. Staff will also coordinate with the City Clerk for concurrent amendments to the Business Regulations and Licenses Ordinance.

	Municipality	Terminology	Zoning Regulations	Separation Requirements	Other Codes/Regulations	License Required through State?	Professional Membership Required?	Exemptions
	Madison Heights	Massage Parlors (principal use) and Massage Establishments (accessory use – max. 10% of floor area)	<ul style="list-style-type: none"> • Massage Parlors (principal use) classified as a Regulated Use. • Regulated Uses require Special Approval in B2 (Planned Business) or B3 (general Business) district. • Massage Establishment permitted as accessory use to other principal uses in district. 	Regulated Uses: <ul style="list-style-type: none"> • 1,000 feet from another regulated use. • 300 feet from religious institution, school, park, residential use or zoning district. 	Separate Business Licensing regulat	Yes	No	<ul style="list-style-type: none"> • Licensed medical practitioners. • Barbers and cosmetologists (neck, face, scalp, hair massages only). • Massage education/school through licensed massage therapist.
Least Restrictive	Troy	Massage Facility	No reference in Zoning Ordinance	N/A	Massage Facility Licensing Ordinance (Police Regulations) Max 18 licenses per year	Yes	No	None listed.
	Warren	Massage Establishment	Allowed by right in General Business District.	N/A	Separate Massage Establishments and Spas Ordinance	Yes	No	Licensed physical therapists, medical practitioners, athletic trainers, medical clinics, etc.
Semi-Restrictive (Professional Membership Required)	Marquette	Massage Parlor	Classified as “Adult Entertainment”, except for certified members of American Massage and Therapy Association (MTA). Permitted as Special Land Use in Industrial/Manufacturing district.	<ul style="list-style-type: none"> • 500 feet from another adult use. • 500 feet from religious institutions, schools, parks, public office buildings. • 300 feet from residential land use. 	N/A	Yes	Not required. However, members of American Massage and Therapy Association (AMTA) are exempt from Adult Entertainment standards.	<ul style="list-style-type: none"> • Licensed health care facilities • Certified members of the American Massage and Therapy Association (AMTA).
	Ferndale	Massage Establishments	Permitted by-right in Central Business District, General and Extended Business Districts	N/A	Separate Business Licensing regulations	Yes	Yes: American Massage Therapy Association or Associated Bodywork and Massage Professionals	<ul style="list-style-type: none"> • Licensed medical practices. • Massage as an accessory use to a fitness center. • Massages to the face, head, neck and shoulders as a cosmetic treatment.
	Holland	Massage Clinic/Massage Establishment	State-licensed facilities with professional certifications classified as “Medical or Dental Clinics”. Allowed in office/commercial districts.	N/A	N/A	Yes	Yes: American Massage Therapy Association or other nationally-recognized massage therapy organization	<ul style="list-style-type: none"> • Hospitals, nursing homes, medical clinics. • Physical therapists, chiropractors. • Barber, beauticians, cosmetologist (scalp, face, neck, feet, shoulders only).

	Municipality	Terminology	Zoning Regulations	Separation Requirements	Other Codes/Regulations	License Required through State?	Professional Membership Required?	Exemptions
Most Restrictive (Regulated Use)	Royal Oak	Massage Parlors/Massage Establishments	Classified as Regulated Use.	Regulated Uses: <ul style="list-style-type: none"> 1,000 feet from another regulated use. 1,000 feet from school, library, park, playground, religious institution. 150 feet from residential zoning district. 	Separate Massage Establishments Ordinance	Yes	No	<ul style="list-style-type: none"> Medical professionals. Physical therapy.
	Birmingham	Massage Facility or Massage School	Classified as Regulated Use. Requires special land use approval in General Business District and Mixed-Use District	<ul style="list-style-type: none"> 1,000 feet from another regulated use. 1 regulated use per building. 	Separate Business Licensing regulations; Separate Regulated Use Ordinance.	Yes	No	<ul style="list-style-type: none"> Medical professionals. Athletic trainers and physical therapists Barbers/cosmetologists, as an accessory practice
	Novi	Massage Studio/Massage Establishment	Classified as “Adult Personal Service/ Adult Business Uses.” Similar to the Special Use process. Only permitted in B-3, General Business zoning district.	<ul style="list-style-type: none"> 1,000 feet from another adult use. 1,000 feet from school or religious institution. 1,300 feet from residential zoning district 	Separate Massage Ordinance	Yes	Yes (Only Massage Schools): American Massage Therapy Association (AMTA), International Myomassethics Federation (IMF), or Associated Bodywork and Massage Professionals (ABMP),	<ul style="list-style-type: none"> Hospital. Face massages or cosmetic/beautifying massages. Medical treatment, athletic trainers, physical therapists. Massages as an accessory use (5% of revenue). Chair massages.
	Livonia	Massage Establishment	Allowed by-right in Highway Business District, “Waiver Use” (special land use) in Local, General, and High-Rise Business Districts.	<ul style="list-style-type: none"> 400 feet from existing massage establishments. 400 feet from schools, places of worship, parks, daycares. 	Separate Business Licensing regulations	Yes	No	<ul style="list-style-type: none"> Licensed medical practitioners. Massage as an accessory use to a beauty salon, barber shop, athletic clubs, etc. Occasional chair massages by licensed massage therapists.

	Municipality	Zoning Regulations	Separation Requirements	Other Codes/Regulations
	Madison Heights	Classified as “Regulated Use”. Special Approval required in B-2 (Planned Business) and B-3 (General Business).	Regulated Uses: <ul style="list-style-type: none"> • 1,000 feet from another regulated use. • 300 feet from religious institution, school, park, residential use or residential zoning district. 	Separate Business Licensing regulations
Least Restrictive	Ferndale	Permitted by right in C-3 (Extended Business District)	N/A	N/A
	Troy	Not mentioned in Zoning Ordinance	N/A	N/A
	Marquette	Not mentioned in Zoning Ordinance	N/A	N/A
	Holland	Not mentioned in Zoning Ordinance	N/A	Separate Pawnbrokers Ordinance
	Novi	Not mentioned in Zoning Ordinance	N/A	Separate Pawnbroker Licensing Ordinance. City Council approval required.
Most Restrictive	Royal Oak	Classified as “Regulated Use”	Regulated Uses: <ul style="list-style-type: none"> • 1,000 feet from another regulated use. • 1,000 feet from school, library, park, playground, religious institution. • 150 feet from residential zoning district. 	Separate Pawnbrokers Ordinance
	Birmingham	Classified as “Regulated Use” and requires Special Land Use approval in General Business District and Mixed-Use District	Regulated Uses: <ul style="list-style-type: none"> • 1,000 feet from another regulated use. • 1 regulated use per building. 	Separate Regulated Use Ordinance
	Livonia	Permitted by right in C-3 (Highway Business District) and “waiver” use in C-2 (General Business District)	1,000 feet from another “similar” use.	Separate Pawnbrokers Ordinance
	Warren	Permitted in C-2 (General Business) district as special land use.	<ul style="list-style-type: none"> • 1,000 feet from residential zoning district. • 1,000 feet from school, childcare, library, religious institution, park. • 1,000 feet from another pawnshop. 	Separate Pawnbrokers Ordinance



Professional Associations & Organizations for Massage Therapy

Being a professional is more than just earning a living from a specific activity. Professionals in every industry, including massage therapy and bodywork, are expected to perform their work to the highest standards, stay current with best practices and new research, commit to continued learning and professional development, practice ethical conduct, and actively participate within the industry. Professional associations can help massage therapists to meet these expectations.

What are professional massage associations? **Professional associations are organizations that serve the interests of the members of the profession. In this case, it is the interests of professional massage therapists. Each specific professional organization has its own unique mission, benefits and requirements, and will appeal to different types of practitioners. Professional organizations may go by different names such as *Association, Society, Board, Commission, Professional body, Agency, and Foundation.***

This article lists the largest massage therapy associations and organizations in the USA. It is helpful for massage therapists and students entering the profession to understand the basic purpose, functions and benefits of these massage associations, especially if you are considering joining one. Massage students or therapists preparing to take the MBLEx may also see a question or two on this information in the *Professional Guidelines* content area of the massage licensing exam.

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 - Associated Bodywork & Massage Professionals (ABMP)
 - American Organization for Bodywork Therapies of Asia (AOBTA)
 - American Medical Massage Association (AMMA)
 - National Certification Board for Therapeutic Massage & Bodywork (NCBTMB)
 - Federation of State Massage Therapy Boards (FSMTB)
- Other professional organizations in the USA related to massage therapy
- Frequently asked questions about professional massage associations
 - Should I join a professional massage association?
 - What is the best massage organization to join?

What is the purpose of professional associations for massage therapy?

Professional associations exist to support the interests of people working in that profession (members), as well as to support the industry itself and serve the greater public good. They serve as a way to advance the profession through encouraging connections, advocacy for massage

issues at the federal, state and local levels, promotion of the industry to the public, and facilitating communication and innovation.

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Professional associations range from large national and international organizations, to small local and highly specialized groups of professionals. They typically have an elected leadership body and require dues to cover organizational costs. Many professional associations enlist volunteers to fill certain roles within the organization.



Why join a professional massage association?

There are a few reasons why massage therapists may choose to join a professional association or organization. The most common reason is to **receive benefits** that the organization offers to members. In the massage and bodywork industry, these benefits may include:

- Professional liability insurance
- Continuing education courses, workshops or webinars
- Professional recognition or credentials (for resumé-building, marketing, or your massage bio)
- Access to industry discounts such as massage apps and software
- Industry resources and publications (e.g. magazine, journal, newsletter)
- Peer support and connections with other providers
- Business startup guidance, networking and job searching
- Listing in a member directory for marketing / promotion
- Access to industry events and conferences
- Opportunities to connect mentors & mentees

Massage therapists may also choose to join a professional association as a way of **supporting their industry**. For example, some associations:

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- Promote awareness of the massage therapy profession to the public and other healthcare providers
- Provide legislative advocacy in their jurisdiction (e.g. state or national)
- Provide representation at the state massage licensing board meetings
- Keep members notified of updates or changes in laws and rules that affect members

Four types of professional organizations

There are four main types of professional organizations.

- Member-benefit organizations
- Designation-granting associations
- Certifying bodies
- Professional regulatory bodies

Member-benefit organizations

The purpose of a member-benefit professional association is to create value for its members. These organizations typically offer various products or services to members. This may be their own physical or digital products and services like those listed above. Or it may be that the organization collaborates with other businesses to offer members discounts for their products. Member-benefit organizations often have their own code of ethics, but they generally have no way to enforce compliance. AMTA and ABMP could be classified as member-benefit organizations.

Designation-granting associations

The main function of designation-granting associations is to provide its members with a professional designation. A designation-granting association is a type of member-benefit organization. Many people aspire to be seen as professionals, and seek a way to signal their professional status to others. Obtaining a designation can also be way to demonstrate commitment to one's occupation. It can demonstrate a specific achievement, such as learning advanced skills or earning a certification in a specific type of massage. Certifications usually need to be renewed every couple of years which is done by completing continuing education, documenting clinical

hours, or some other method to show continued competency. An example is AMMA. *It is important to note that a designation does not necessarily protect the public from incompetent or unethical practitioners.

Certifying bodies

Certifying bodies are similar to designation-granting associations in that they issue credentials to members who meet specified requirements such as education prerequisites, professional experience, or passing of an exam. However, the main purpose of certifying bodies is to issue these credentials and ensure that all certified members maintain competency. An example is the NCBTMB which offers therapists the opportunity to earn *Board Certification*.

Professional regulatory bodies

Professional regulatory bodies function primarily to serve the public by establishing and upholding licensing or certification requirements for a specific occupation. These organizations help with establishing expectations and boundaries of the profession. They also coordinate industry practices with state and federal guidelines. Examples of professional regulatory bodies for massage therapy include *state massage boards* and the *FSMTB* which administers the MBLEx.



List of professional massage associations and organizations in the US

- American Massage Therapy Association (AMTA)
- Associated Bodywork & Massage Professionals (ABMP)
- American Organization for Bodywork Therapies of Asia (AOBTA)
- American Medical Massage Association (AMMA)
- National Certification Board for Therapeutic Massage & Bodywork (NCBTMB)
- Federation of State Massage Therapy Boards (FSMTB)

- Massage Therapy Foundation (MTF)

There is also a *Coalition of National Massage Therapy Organizations* in the US which includes the following members: AMTA, NCBTMB, FSMTB, COMTA, ABMP, Massage Therapy Foundation, and Alliance for Massage Therapy Education.

A few states have established successful **state massage associations**. Plus, the AMTA has state chapters in all 50 states plus the District of Columbia.

- Florida State Massage Therapy Association (FSMTA)
- Tennessee Massage Therapy Association (TMTA)
- Washington State Massage Therapy Association (WSMTA)
- New York State Society of Medical Massage Therapists (NYSSMMT)
- California Massage Therapy Council (CAMTA).

There are also professional massage organizations that function to support to massage schools and educators. These organizations strive to strengthen educational standards through supporting and accrediting educators. Examples of these organizations include:

- Commission on Massage Therapy Accreditation (COMTA)
- Alliance for Massage Therapy Education (AFMTE)



American Massage Therapy Association (AMTA)

History, purpose and functions of AMTA

The American Massage Therapy Association is the largest nonprofit professional association for massage therapists. AMTA was formed in 1943 under the name American Association of Masseurs and Masseuses (AAMM). This organization worked to help legitimize massage therapy through state law by creating a model law for states to register practitioners. The name was changed to **American Massage Therapy Association (AMTA)** in 1983. This organization established what is now known as the NCBTMB, and what is now known as the COMTA in the 1990's. The AMTA has continued working to promote the value of massage therapy to the public and within the health care industry, advocate for the profession, and ensure the professionalism and ethical practice of massage therapists.

AMTA member benefits

- Massage liability insurance
- Online continuing education classes
- Publication subscription (*Massage Therapy Journal*)
- Membership to local (state) chapter
- Discounts on products and services

The AMTA offers three levels of membership for massage practitioners. Each level has certain qualification requirements. The AMTA also offers memberships for massage schools, which includes liability coverage the school, faculty and administrators (not the students).

1. **Professional.** \$235/yr or \$20 month. Requires graduation from a minimum of 500 in-class hour massage program, proof of current massage license, *OR* NCBTMB certification. This membership must be renewed every year in order to keep the benefits.
2. **Graduate.** \$89 or \$8/month. 1-year membership for recent graduates (within 1 year), or students within 2 months of graduation from a 500 in-class hour (minimum) entry-level massage training program.
3. **Student.** Free. Must be enrolled in a 500 in-class hour (minimum) entry-level massage therapy program.



Associated Bodywork & Massage Professionals (ABMP)

History, purpose and functions of ABMP

Associated Bodywork & Massage Professional (ABMP) was founded in 1987, and is a professional association that provides massage liability insurance and other benefits to members. In addition to providing liability insurance, ABMP advocates for reasonable regulation of the massage profession in all 50 states. The purpose of this is to minimize regulatory burden on practitioners while increasing public safety.

ABMP member benefits

- Massage liability insurance

- Free continuing education hours
- Subscription to *Massage & Bodywork* magazine
- Member discounts at affiliate companies
- Listing on MassageTherapy.com

ABMP offers two levels of membership for massage therapists. The *Professional* level costs \$199 for 1 year, and the *Certified* level costs \$229 for 1 year. They both provide the same insurance, but the *Certified* level has a few additional benefits such as a monthly payment option, more CE courses to choose from, and bigger discounts at affiliate companies. Learn more about ABMP.



American Organization for Bodywork Therapies of Asia (AOBTA)

History, purpose and functions of AOBTA

The American Organization for Bodywork Therapies of Asia (AOBTA) is a professional association that serves Asian Bodywork Therapy (ABT) practitioners, students, educators and schools. AOBTA was formed in 1989 and currently serves about 1,100 active members in the US and abroad.

AOBTA member benefits

- Professional liability insurance
- Resources and tools to build a successful practice
- Access to continuing education events
- Professional development & networking events
- Listing in AOBTA professional directory

AOBTA has membership options for ABT practitioners and instructors. The *Certified Practitioner* membership requires completion of specified education requirements, and has annual membership dues of \$150 (+\$30 initial application fee). There are two levels of

instructor memberships for Asian Bodywork Therapy educators to choose from. Learn more about AOBTA.

Item 2.

American Medical Massage Association (AMMA)

History, purpose and functions of AMMA

The American Medical Massage Association (AMMA) was founded in 1998 and functions to promote medical massage therapy as an allied health care profession. They have created professional standards to help ensure patients receive safe and evidence-based massage treatments from certified members. The goal of AMMA is to use education and awareness to establish medical massage as a valid therapeutic intervention in health care facilities. The National Board Certification Agency (NBCA) has established and administers their certification examination for practitioners to become certified as a *Medical Massage Therapist*.

AMMA member benefits

- Advanced credentialing for massage therapists
- Continuing education

Prerequisites for AMMA membership and NBCA certification include a minimum of 600 hours training in a program that meets curriculum requirements, as well as completion of the AMMA application. Learn more about AMMA.



National Certification Board for Therapeutic Massage & Bodywork (NCBTMB)

History, purpose and functions of NCBTMB

The National Certification Board for Therapeutic Massage & Bodywork (**NCBTMB**) was founded in 1992. It is a private, independent, nonprofit organization that functions to elevate the massage therapy profession in the US by creating, offering and promoting professional credentialing and standards. Specifically, the NCBTMB offers the Board Certification in Therapeutic Massage & Bodywork (**BCTMB**) exam that massage therapists and bodywork professional may choose to take if they want to be recognized as *Board Certified*. The NCBTMB also performs an important function of ensuring that continuing education providers meet high standards to become an *Approved Provider* of continuing education. The NCBTMB previously offered *Specialty Certificates* such as certifications in sports massage, oncology massage, and clinical rehabilitative massage, but these were discontinued in December 2021.

NCBTMB member benefits

- Recognition of being a *Board Certified* massage therapist / bodyworker
- Discounts for NCBTMB members

To become a NCBTMB member, you must meet certain educational requirements, pass the BCTMB exam and become a *Board Certified* therapist. The application fee is \$275. This certification must be renewed every 2 years by completing 24 hours of continuing education courses through NCBTMB-approved providers, and paying the \$110 renewal fee.



Federation of State Massage Therapy Boards (FSMTB)

History, purpose and functions of FSMTB

The Federation of State Massage Therapy Boards (FSMTB) was formed in 2005 as ABMP met with massage regulators and educators to establish an organization to provide a unified regulatory community for the massage and bodywork profession. The mission was to create a valid and reliable licensing exam to ensure the competency of massage license candidates.

The FSMTB also works to increase the uniformity of state license requirements to facilitate therapist mobility when moving to a different state. It serves as a support resource for member state boards of 41 states + DC and Puerto Rico. In addition, the FSMTB **CE Registry** provides a registry of in-person and online continuing education courses for massage therapists, and is accepted in 31 states.

Massage & Bodywork Licensing Exam (MBLEx)

The FSMTB governs and administers the Massage & Bodywork Licensing Exam (**MBLEx**). This entry-level licensing examination is utilized in 46 of the 49 regulated jurisdictions in the USA and its territories in their massage license application process. Learn more about the MBLEx.

Find out more about the FSMTB here.

Other professional organizations in the USA related to massage therapy

There really aren't many active professional associations for massage therapists or bodyworkers in the US. Much like the high percentage of small businesses that start up and then close down within a few years, many massage associations have been started to only fade away within a few years. There could be many reasons for this such as an organizations's poor leadership, a lack of clear purpose of the organization, insufficient funding or promotion, or potential members were just not interested or properly motivated to join.

In addition to the professional massage associations already discussed in this post, there are numerous groups, clubs, societies, etc. of *related* practices that are open to massage therapists joining. These professional organizations can offer a variety of benefits to help therapists continue learning and expanding their skill and their professional network. There are also associations created specifically for practitioners of specialty types of bodywork or healing modalities.

- National Association for the Self-Employed (NASE)
- Spa Industry Association (SIA)
- Reflexology Association of America (RAA)
- American Society for the Alexander Technique (AMSAT)
- National Association for Holistic Aromatherapy (NAHA)
- International Somatic Movement Education and Therapy Association (ISMETA)
- National Association of Myofascial Trigger Point Therapists (NAMTPT)
- Biodynamic Craniosacral Therapy Association of North America (BCTA)

- Massage Therapy Foundation (MTF)

There are numerous associations that focus on research, education, treatment protocols, and raising awareness about specific conditions or diseases. For example, the National Fibromyalgia Association. Practitioners who specialize in working with clients with specific conditions may want to consider joining a relevant association.

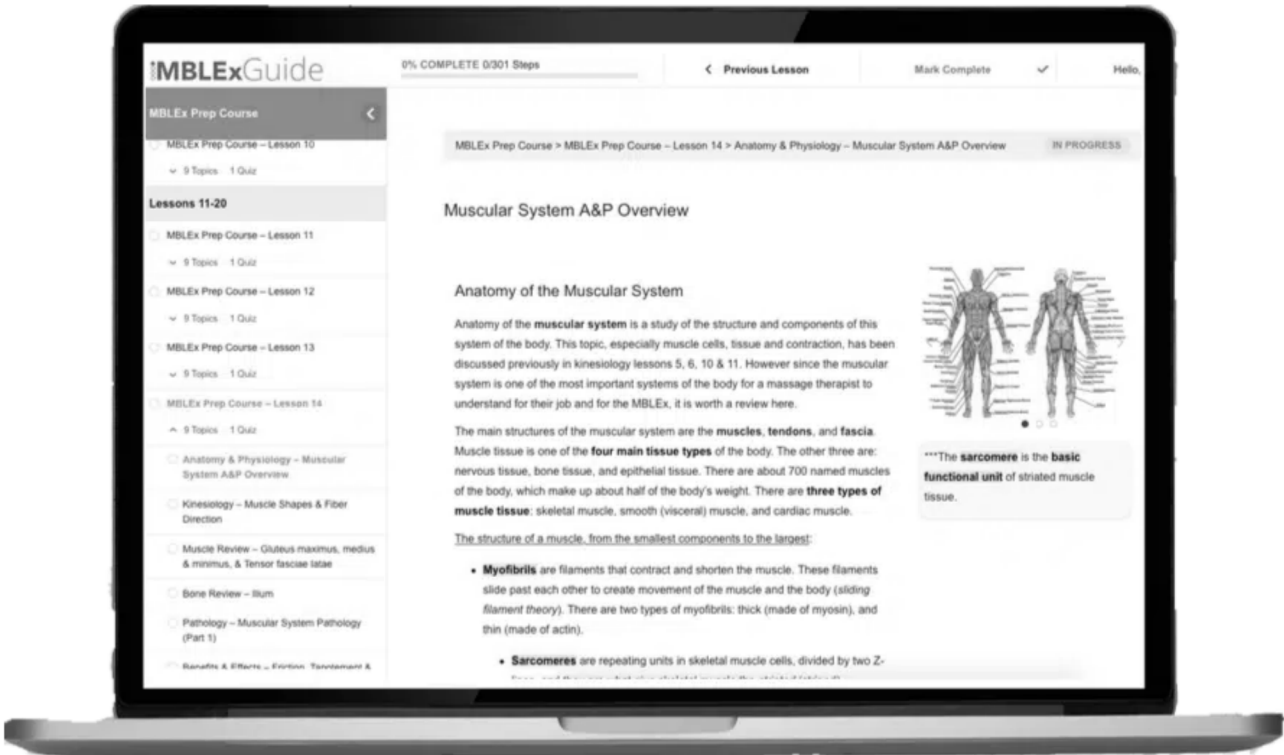
Frequently asked questions about professional massage associations

Should I join a professional massage association?

Massage therapists should consider joining a professional association *IF* it is worth it to you. First, see if the association aligns with your short-term and long-term career goals. Then determine the costs of joining and the value that you would get from the membership. This value could be in the form of member benefits such as continuing education, industry discounts, professional liability insurance, massage business marketing, access to publications, etc. Or it could be value knowing that you are supporting an organization that supports something that you believe in. Finally, find out if you meet the membership requirements or are willing to meet them.

What is the best massage organization to join?

The best massage organization to join is the one that meets your needs. As a practicing therapist, you probably need professional liability insurance, and continuing education hours. But you may also want an active local chapter or the opportunity to collaborate with other therapists who are skilled in a specific type of bodywork. The organizations mentioned in this article have been around for a while and would be a good place to start your search for a professional association that provides what you're looking for.



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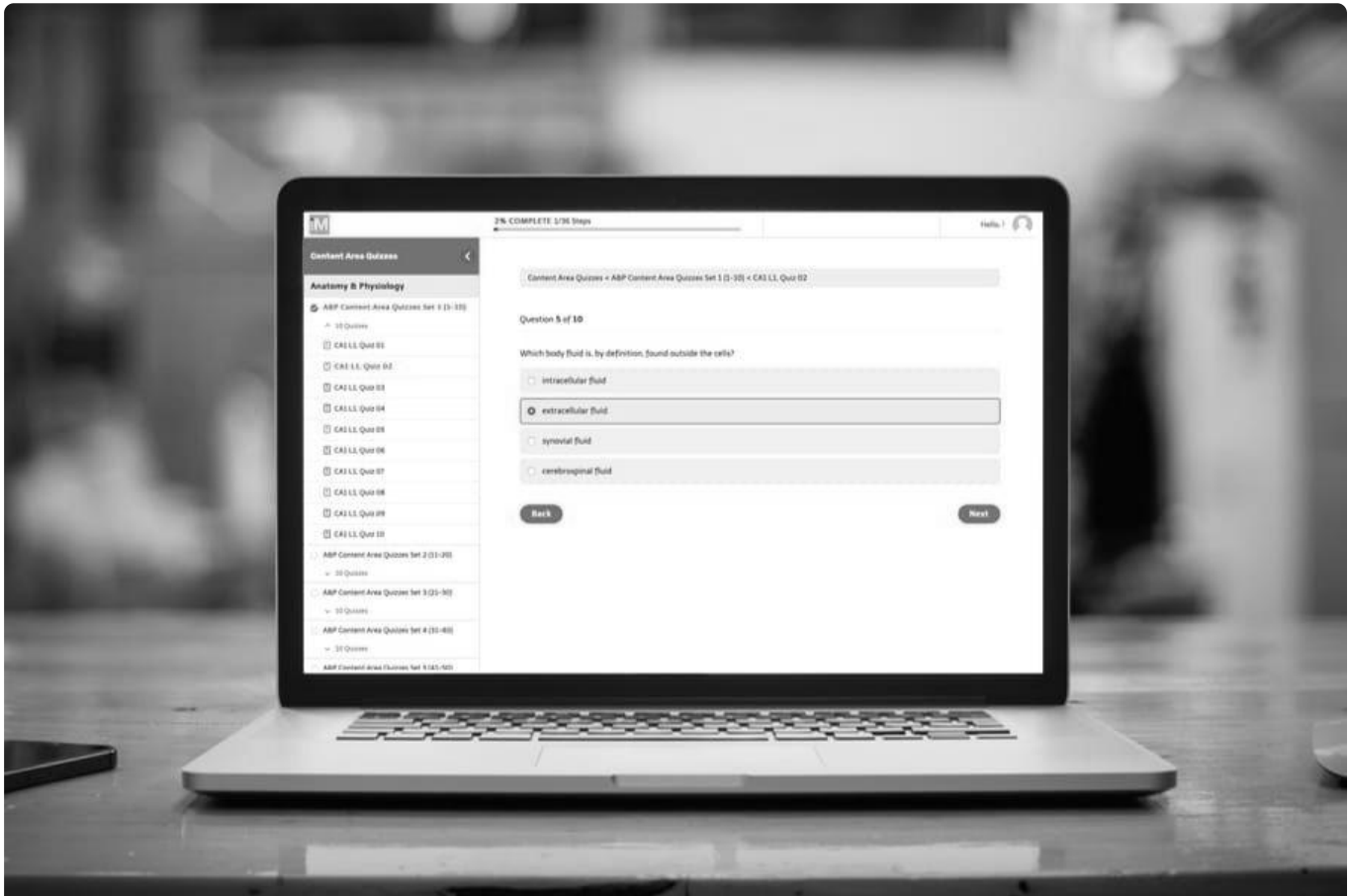


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Massage therapists and other bodywork professionals often seek advanced certifications and credentials to demonstrate their mastery of specialized skills and commitment to their profession. This ...

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Preparing for the MBLEx?

Practice tests are one of the best ways to increase retention of information, improve testing skills, and increase your chance of passing the massage exam.

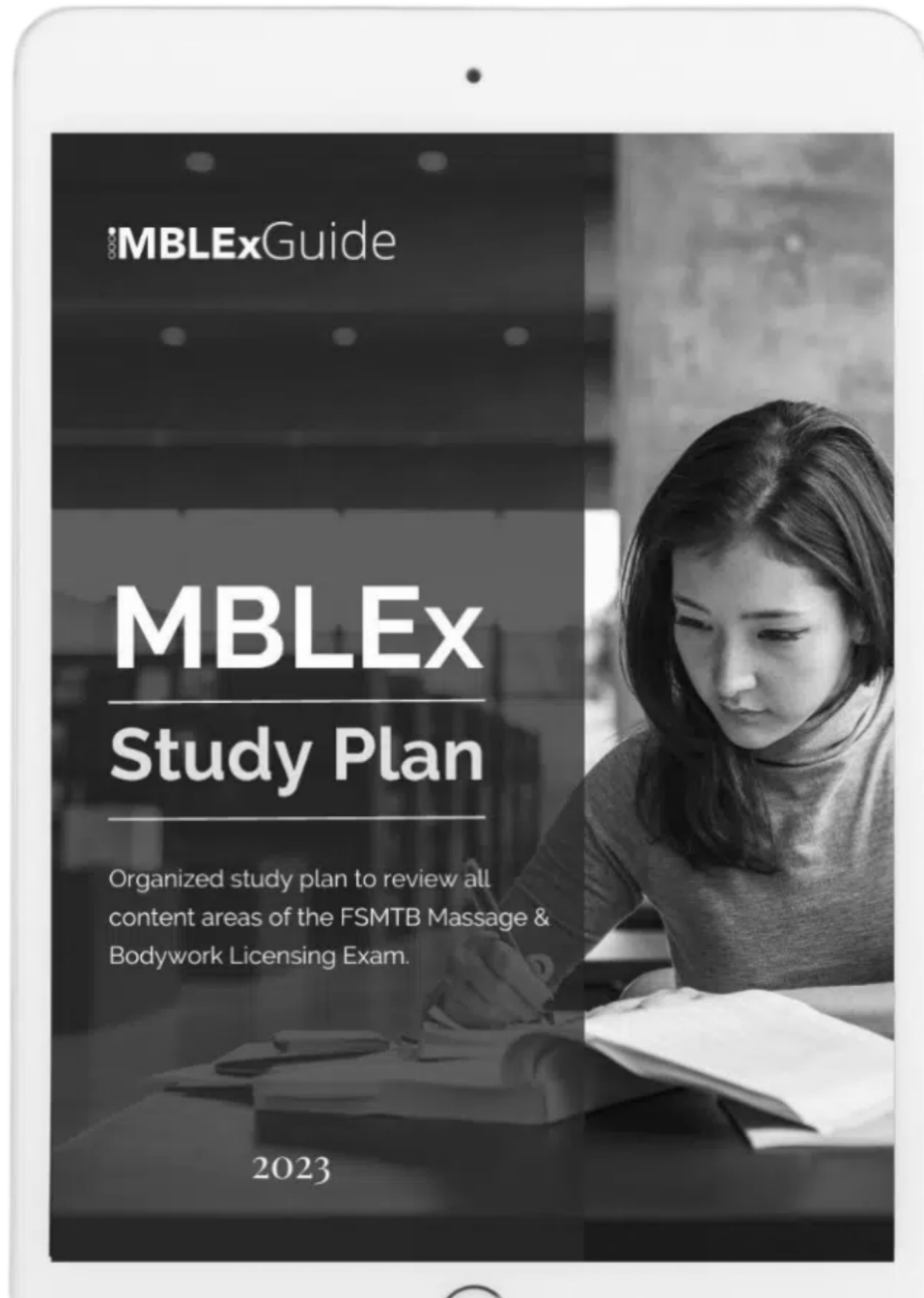
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Helping Massage Therapists Pass The Massage Exam

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Act No. 471
Public Acts of 2008
Approved by the Governor
January 9, 2009
Filed with the Secretary of State
January 9, 2009
EFFECTIVE DATE: January 9, 2009

**STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2008**

Introduced by Rep. Condino

ENROLLED HOUSE BILL No. 5651

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," (MCL 333.1101 to 333.25211) by adding section 16334 and part 179A.

The People of the State of Michigan enact:

Sec. 16334. Fees for an individual licensed or seeking licensure as a massage therapist under part 179A are as follows:

(a) Application processing fee	\$20.00
(b) License fee, per year	75.00

PART 179A. MASSAGE THERAPY

Sec. 17951. (1) As used in this part:

(a) "Feldenkrais method" means a system of somatic education in which touch and words are used to eliminate faulty habits, learn new patterns of self-organization and action, and improve a person's own functional movement patterns. Feldenkrais method is based on principles of physics, biomechanics, and an understanding of, or learning about, human development.

(b) "Massage therapist" means an individual engaged in the practice of massage therapy.

(c) “Polarity therapy” means diverse applications affecting the human energy system and includes energetic approaches to somatic contact, verbal facilitation, nutrition, exercise, and health education. Polarity therapy does not make medical claims, diagnose physical ailments, or allow prescription of medications.

(d) “Practice of massage therapy” means the application of a system of structured touch, pressure, movement, and holding to the soft tissue of the human body in which the primary intent is to enhance or restore the health and well-being of the client. Practice of massage therapy includes complementary methods, including the external application of water, heat, cold, lubrication, salt scrubs, body wraps, or other topical preparations; and electromechanical devices that mimic or enhance the actions possible by the hands. Practice of massage therapy does not include medical diagnosis; practice of physical therapy; high-velocity, low-amplitude thrust to a joint; electrical stimulation; application of ultrasound; or prescription of medicines.

(e) “School” means any of the following accredited or licensed institutions of higher education that meet the minimum standards and curriculum, in compliance with section 16148:

(i) A public or private community college, college, or university.

(ii) A public or private trade, vocational, or occupational school.

(f) “Trager approach” means a form of movement education that uses subtle directed movements and the skilled touch of a practitioner. The Trager approach combines physical movement with sensory awareness and internal imagery designed to increase the client’s self-awareness and generate physiological changes in the body tissues so as to allow the client to experience a new way of moving his or her body.

(2) In addition to the definitions in this part, article 1 contains general definitions and principles of construction applicable to all articles in this act and part 161 contains definitions applicable to this part.

Sec. 17953. An individual shall not use the titles “licensed massage therapist”, “massage therapist”, “masseur”, “massagist”, “certified massage therapist”, “clinical massage therapist”, “medical massage therapist”, “manual massage therapist”, “board certified massage therapist”, “massage technician”, “myomassologist”, “masseuse”, “l.m.t.”, “m.m.t.”, and “c.m.t.”, or similar words or initials that indicate that the individual is a massage therapist, unless the individual is licensed under this article as a massage therapist. This section does not prevent the use of a name, title, or initials that are registered or otherwise protected under law and used by a person certified or otherwise approved by a private organization.

Sec. 17955. (1) The Michigan board of massage therapy is created in the department and consists of the following 11 members appointed by the governor who meet the requirements of part 161:

(a) Seven individuals who meet the requirements of section 16135(2).

(b) Four public members.

(2) Except as otherwise provided in this subsection, the terms of office of individual members of the board created under subsection (1) expire 4 years after appointment on December 31 of the year in which the term will expire. Of the members first appointed to the board under subsection (1), 4 shall be appointed for terms of 4 years, 4 shall be appointed for terms of 3 years, and 3 shall be appointed for terms of 2 years. The term of office of an individual appointed to fill a vacancy expires at the end of the term of the vacancy being filled.

Sec. 17957. (1) An individual shall not engage in the practice of massage therapy unless licensed under this part. The practices for which a license is not required under this subsection include, but are not limited to, all of the following:

(a) The use of touch, words, or directed movement to deepen awareness of patterns of movement in the body as long as those services are not designated or implied to be massage or massage therapy. These practices include, but are not limited to, all of the following:

(i) The Feldenkrais method.

(ii) The Trager approach.

(b) The affectation of the human energy system or acupoints or qi meridians of the human body while engaged within the scope of practice of a profession with established standards and ethics and as long as those services are not designated or implied to be massage or massage therapy. These practices include, but are not limited to, all of the following:

(i) Polarity or polarity therapy.

(ii) Asian bodywork therapy.

(iii) Reiki.

(iv) Shiatsu.

(c) Reflexology.

(d) Structural integration.

(2) The department shall provide for a 3-year license cycle.

(3) Subsection (1) does not prevent any of the following:

(a) An individual licensed under any other part or act from performing activities that are considered massage therapy services if those activities are within the individual's scope of practice and if the individual does not use the titles, words, or initials protected under section 17953.

(b) The practice of massage therapy that is an integral part of a program of study by students enrolled in a school, provided that they are identified as students and provide massage therapy services only while under the supervision of a licensed massage therapist.

(c) Self-care by a patient or uncompensated care by a friend or family member who does not represent or hold himself or herself out to be a licensed massage therapist.

Sec. 17959. (1) The department shall, upon submission of a completed application and payment of the appropriate application processing and license fee, issue a license under this part to an individual who fulfills all of the following requirements:

(a) Has a high school diploma or the equivalent as determined by the board.

(b) Is of good moral character as defined in section 1 of 1974 PA 381, MCL 338.41.

(c) Is at least 18 years of age.

(d) Has successfully passed an examination meeting the requirements of section 17961. The passage of this examination may have occurred before the effective date of this section.

(e) Has successfully completed at least 1 of the following:

(i) A supervised curriculum in a school that has not less than 500 hours of classroom instruction.

(ii) At least 500 hours of course and clinical massage education in a substantially equivalent program in another state, country, jurisdiction, territory, or province that, on a case-by-case review, is found by the board to be sufficient.

(2) The department shall issue a license to an applicant who meets the requirements of subsection (1)(a), (b), and (c) and who is currently licensed as a massage therapist in another state, country, jurisdiction, territory, or province that requires standards for licensure that are substantially equivalent to the requirements for licensure under this part, as determined by the board.

(3) Until 2 years after the effective date of this part, the board may issue a license to an applicant who meets the requirements of subsection (1)(a), (b), and (c) and presents proof acceptable to the board that he or she has fulfilled 1 of the following requirements:

(a) For at least 1 year before the effective date of this part, has been an active member, as a massage therapist, of a national professional massage therapy association that was established before the year 2000, that offers professional liability insurance as a benefit of membership, and that has an established code of professional ethics.

(b) Has practiced massage therapy for an average of at least 10 hours per week for 5 or more years, as established by affidavit of the applicant.

(c) Has practiced massage therapy for an average of at least 10 hours per week for at least 3 years, as established by affidavit of the applicant, and has successfully completed at least 300 hours of formal training in massage therapy acceptable to the board, as established by evidence from the school or schools attended.

(d) Has successfully passed an examination meeting the requirements of section 17961. The passage of this examination may have occurred before the effective date of this section.

(e) Has fulfilled the requirement under subsection (1)(e).

Sec. 17961. (1) The board shall provide that applicants pass an examination that measures entry level competence before issuance of a license under this part.

(2) For licensure purposes under this part, the board shall adopt only those examinations that meet all of the following requirements:

(a) Are statistically validated through a job analysis under current standards for educational and professional testing.

(b) Has examination standards that comply with pertinent state and federal equal employment opportunity guidelines.

(c) Are available to all potential candidates for licensure.

Sec. 17963. (1) The board shall promulgate rules to create a code of professional ethics.

(2) A licensee shall make a written referral of a client to an appropriate health professional if the client's physical or medical condition appears to constitute a contraindication for massage therapy.

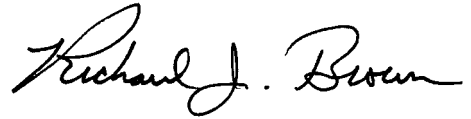
(3) The board and department shall not, by rule or otherwise, restrict the right of a licensee to participate in and become a member of any nationally recognized trade or professional association.

Sec. 17965. Subject to section 16204, the board shall, by rule, require as a condition of renewal of a license the furnishing of evidence of at least 18 hours, or the equivalent acceptable to the board, of continuing education for each 3-year license cycle. The courses shall be approved by the board and shall include subjects related to the practice of massage therapy.

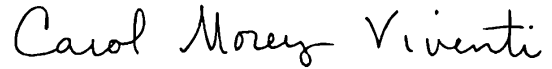
Sec. 17967. Beginning the effective date of this part, a local unit of government shall not establish or maintain licensing requirements for a massage therapist licensed under this part.

Sec. 17969. This part does not require new or additional third party reimbursement or mandated worker's compensation benefits for services rendered by an individual licensed under this part.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor

PAWNBROKERS
Act 273 of 1917

AN ACT to regulate and license pawnbrokers that conduct business in this state; to provide for the disposition of allegedly misappropriated property in the possession of pawnbrokers; to provide remedies and prescribe penalties; and to provide for the powers and duties of certain local governmental units and state agencies.

History: 1917, Act 273, Eff. Aug. 10, 1917;—Am. 2002, Act 469, Imd. Eff. June 21, 2002;—Am. 2018, Act 345, Eff. Jan. 14, 2019.

The People of the State of Michigan enact:

446.201 Pawnbrokers; license required; exception; internet drop-off store exempt from licensure.

Sec. 1. (1) A person, corporation, or firm shall not conduct business as a pawnbroker in any of the governmental units of this state without having first obtained from the chief executive officer of that governmental unit a license under this act that authorizes that person, corporation, or firm to conduct that business. This subsection does not require an internet drop-off store complying with subsection (3), or a person engaged in the sale, purchase, consignment, or trade of personal property or other valuable thing for himself or herself, to obtain a license under this act.

(2) Licensure under either or both of the following acts does not exempt a person from obtaining a license under this act:

(a) The precious metal and gem dealer act, 1981 PA 95, MCL 445.481 to 445.492.

(b) 1917 PA 350, MCL 445.401 to 445.408.

(3) An internet drop-off store in compliance with the following conditions is exempt from licensure as a pawnbroker under this act:

(a) Has a fixed place of business within this state except that he or she exclusively transacts all purchases or sales by means of the internet and the purchases and sales are not physically transacted on the premises of that fixed place of business.

(b) Has the personal property or other valuable thing available on a website for viewing by photograph, if available, by the general public at no charge, which website shall be searchable by zip code or state, or both. The website viewing shall include, as applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.

(c) Maintains records of the sale, purchase, consignment, or trade of the personal property or other valuable thing for at least 2 years, which records shall contain a description, including a photograph, if available, and, if applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.

(d) Provide the local police agency with any name under which it conducts business on the website and access to the business premises at any time during normal business hours for purposes of inspection.

(e) Within 24 hours after a request from a local police agency, provide an electronic copy of the seller's or consignor's name, address, telephone number, driver license number and issuing state, the buyer's name and address, if applicable, and a description of the personal property or other valuable thing as described in subdivision (c). The provision of information shall be in a format acceptable to the local police agency but shall at least be in a legible format and in the English language.

(f) Provide that payment for the personal property or other valuable thing is executed by means of check or other electronic payment system, so long as the payment is not made in cash. No payment shall be provided to the seller until the item is sold.

(g) Immediately remove the personal property or other valuable thing from the website if the local police agency determines that the personal property or other valuable thing is stolen.

History: 1917, Act 273, Eff. Aug. 10, 1917;—CL 1929, 9684;—CL 1948, 446.201;—Am. 2002, Act 469, Imd. Eff. June 21, 2002;—Am. 2004, Act 585, Imd. Eff. Jan. 4, 2005;—Am. 2006, Act 292, Imd. Eff. July 20, 2006.

Compiler's note: Act 334 of 1907 was repealed by Act 105 of 1911, but Act 105 of 1911 was held unconstitutional in *People v. Quider*, 183 Mich. 82, 149 N.W. 1 (1914). As to leaving Act 334 of 1907 in force prior to its repeal by Act 273 of 1917, see the following cases: *Spry Lumber Co. v. Trust Co.*, 77 Mich. 199, 43 N.W. 778 (1889); *Detroit v. Western Union Telegraph Co.*, 130 Mich. 474, 90 N.W. 283 (1902); *People v. DeBlaay*, 137 Mich. 402, 100 N.W. 598 (1904).

Former law: See Act 334 of 1907, being CL 1915, §§ 6006 to 6024, which was repealed by Act 273 of 1917.

446.202 Licenses; issuance; contents; term; transferability; fee; bond; limitations.

Sec. 2. (1) The chief executive officer of the governmental unit may grant under his or her hand, and the

official seal of his or her office, to any suitable person, corporation, or firm a license authorizing that person, corporation, or firm to conduct the business of a pawnbroker subject to the provisions of this act.

(2) The license shall designate the particular place in the governmental unit where that person, corporation, or firm shall conduct the business. A person, corporation, or firm receiving a license shall not conduct the business in any other place than the place designated in the license.

(3) The term of license is 1 year from date of issuance, unless revoked for cause, and is not transferable.

(4) Before issuance of the license, the applicant shall pay to the treasurer of the governmental unit an annual license fee in the amount determined under subsection (5) and give a bond to the governmental unit in its corporate name, in the penal sum of \$3,000.00, with at least 2 sureties, conditioned for the faithful performance of the duties and obligations pertaining to the conduct of the business and for the payment of all costs and damages incurred by any violation of this act. The governmental unit shall approve the bond.

(5) The governmental unit may fix the amount to be paid as the annual license fee at any amount not less than \$50.00 or more than \$500.00.

(6) Notwithstanding any other provision of this section, the authority of a governmental unit to issue a license under this act is limited as follows:

(a) A county may not issue a license for a location within a city or village with a population greater than 3,000.

(b) A county may not issue a license for a location within a city or village with a population of 3,000 or less or within a township or charter township if that city, village, township, or charter township has established the license fee pursuant to subsection (5).

(c) A township or charter township may not issue a license for a location within a village with a population over 3,000 or a village with a population of 3,000 or less that has established a fee under subsection (5).

History: 1917, Act 273, Eff. Aug. 10, 1917;—CL 1929, 9685;—CL 1948, 446.202;—Am. 2002, Act 469, Imd. Eff. June 21, 2002.

446.203 Definitions.

Sec. 3. As used in this act:

(a) "Chief executive officer" means any of the following:

(i) For a city, the mayor.

(ii) For a village, the village president.

(iii) For a township or charter township, the township supervisor.

(iv) For a county, the county executive or, if there is no county executive, the person designated by a resolution of the county board of commissioners.

(b) "Governmental unit" means a city, township, charter township, county, or incorporated village.

(c) "Internet drop-off store" means a person, corporation, or firm that contracts with other persons, corporations, or firms to offer its personal property or other valuable thing for sale, purchase, consignment, or trade through means of an internet website and meets the conditions described in section 1(3).

(d) "Local police agency" means the police agency of the city, village, or township, or if none, the county sheriff of the county in which the internet drop-off store conducts business.

(e) "Pawnbroker" means a person, corporation, or member, or members of a copartnership or firm, who loans money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

History: 1917, Act 273, Eff. Aug. 10, 1917;—CL 1929, 9686;—CL 1948, 446.203;—Am. 2002, Act 469, Imd. Eff. June 21, 2002;—Am. 2006, Act 292, Imd. Eff. July 20, 2006.

446.204 Licensed pawnbroker; action upon bond.

Sec. 4. If any person shall be aggrieved by the conduct of any such licensed pawnbroker, and shall recover judgment against him therefor, such person may, after the return unsatisfied, either in whole or in part, of any execution issued upon said judgment, maintain an action in his own name upon the bond of the said pawnbroker in any court having jurisdiction of the amount of said judgment remaining unsatisfied.

History: 1917, Act 273, Eff. Aug. 10, 1917;—CL 1929, 9687;—CL 1948, 446.204.

446.205 Record of property received; contents; inspection; form of permanent record.

Sec. 5. (1) A pawnbroker shall keep a record in English, at the time the pawnbroker receives any article of personal property or other valuable thing by way of pawn, that includes a description of the article, a sequential transaction number, any amount of money loaned on the article, the name, residence, general description, and driver license number, official state personal identification card number, or government identification number of the person from whom the article was received, and the day and hour when the

article was received. The record, the place where the business is carried on, and all articles of property in that place of business are subject to examination at any time by the attorney of the governmental unit, local police agency, the county prosecuting attorney of the county in which the governmental unit is situated, or the department of state police.

(2) Upon the receipt of any article of personal property or other valuable thing by way of pawn, the pawnbroker shall make a permanent record of the transaction on a form provided by the pawnbroker that substantially complies with the form described in subsection (4). Each record of transaction shall be completed in duplicate by the pawnbroker, legibly in the English language, and shall contain all applicable information required to complete the record of transaction form under subsection (4). This subsection does not prohibit the use and transmission of the information required in the record of the transaction by means of computer or other electronic media as permitted by the local police agency within the applicable governmental unit.

(3) The pawnbroker shall retain a record of each transaction and, within 48 hours after the property is received, shall send 1 copy of the record of transaction to the local police agency.

(4) The record of transaction form shall be 8-1/2 inches by 11 inches in size and shall be as follows:

RECORD OF TRANSACTION

FRONT

Article		Serial No.		
Model No. or Case No.		Lens No. or Move. No.		
Trade Name		Color	Size	No. Jewels
Material		Stone Set Design		
Description		No.	Kind of Stone	Size
Inscription or Initials				
Purchase Price	Amt. Loaned			
Dealer				
City		Date		Ticket No.
Lady's []	Gent's []	Wrist []	Pocket []	Lapel []

BACK

Operator's License # or Other I.D. #	
Customer's Name (PRINT)	
Street No. or RFD	
City and State	
Employed By:	Rolled print of right thumb (If impossible then some other fingerprint. Designate which.)
Age Height	
Weight Race W [] B [] O []	

Time Received:	AM	PM
Mail reports within 48 hours to local officers	<input type="checkbox"/> Male	<input type="checkbox"/> Female
Signature of person taking print		

History: 1917, Act 273, Eff. Aug. 10, 1917;—CL 1929, 9688;—CL 1948, 446.205;—Am. 1998, Act 233, Imd. Eff. July 3, 1998;—Am. 2002, Act 469, Imd. Eff. June 21, 2002.

Compiler's note: See Act 469 of 2002 for correct formatting of table in subsection (4).

446.206 Statement to police of articles received; contents.

Sec. 6. A pawnbroker shall make daily, except Sunday, a sworn statement of his or her transactions, describing the articles received, and setting forth the name, residence, and description of the person from whom the articles were received, to the chief of police or chief law enforcement officer of the governmental unit.

History: 1917, Act 273, Eff. Aug. 10, 1917;—Am. 1927, Act 347, Imd. Eff. June 2, 1927;—CL 1929, 9689;—CL 1948, 446.206;—Am. 2002, Act 469, Imd. Eff. June 21, 2002.

446.207 Repealed. 1980, Act 199, Imd. Eff. July 10, 1980.

Compiler's note: The repealed section pertained to the right of a pawnbroker to deal in secondhand property.

446.208 Purchaser's memorandum of pawn; contents.

Sec. 8. A pawnbroker, at the time of a loan, shall deliver to the person pawning or pledging any article a memorandum or note signed by him or her, containing the substance of the entry required to be made by him or her in his or her book by section 6. A charge shall not be made or received by the pawnbroker for the entry, memorandum, or note. The memorandum or note shall be consecutively numbered and upon its back shall be printed in English in 12-point type the following: "If interest or charges in excess of 3% per month, plus storage charges provided in this document, are asked or received, this loan is void and of no effect; and the borrower cannot be made to pay back the money loaned, any interest on the loan, or any charges or any part of the charges, and the pawnbroker loses all right to the possession of the goods, article, or thing pawned, and shall surrender the item to the borrower or pawner upon due demand for the item."

History: 1917, Act 273, Eff. Aug. 10, 1917;—CL 1929, 9691;—CL 1948, 446.208;—Am. 1965, Act 252, Eff. Mar. 31, 1966;—Am. 2002, Act 469, Imd. Eff. June 21, 2002.

446.209 Interest on loans; rate; storage charge; time of payment; computation; fee or excess charge prohibited.

Sec. 9. (1) A licensed pawnbroker may charge on any loan a rate of interest that does not exceed 3% per month and is not required to accept any interest less than 50 cents on a single loan. A pawnbroker may also charge \$3.00 per month or fraction of a month for the storage of unencumbered personal property under any single pledge or pawn.

(2) A pawnbroker or the pawnbroker's agent or employee shall not charge or receive interest on a loan that exceeds the amounts established in this act.

(3) Interest on a loan is not payable in advance and shall be computed on unpaid monthly balances without compounding.

(4) A pawnbroker is not entitled to any examination fee and shall not make any charge that exceeds the amounts established in this act.

History: 1917, Act 273, Eff. Aug. 10, 1917;—CL 1929, 9692;—CL 1948, 446.209;—Am. 1965, Act 252, Eff. Mar. 31, 1966;—Am. 1998, Act 233, Imd. Eff. July 3, 1998;—Am. 2004, Act 585, Imd. Eff. Jan. 4, 2005;—Am. 2018, Act 345, Eff. Jan. 14, 2019.

446.210 Title to item; sale of pledged or pawned item; time of possession.

Sec. 10. (1) Subject to section 12, title to an item that is pledged or pawned vests in the pawnbroker 90 days after the pledge or pawn, or after the expiration of any longer period agreed to by the parties, if the

borrower has not paid the debt, interest, and charges on the item that was pledged or pawned.

(2) Subject to section 12, a pawnbroker shall not sell any item that was pledged or pawned until the item has remained in the pawnbroker's possession for at least 90 days.

History: 1917, Act 273, Eff. Aug. 10, 1917;—Am. 1927, Act 347, Imd. Eff. June 2, 1927;—CL 1929, 9693;—CL 1948, 446.210;—Am. 1998, Act 233, Imd. Eff. July 3, 1998;—Am. 2018, Act 345, Eff. Jan. 14, 2019.

446.211 Payment or tender of debt before sale; effect as to title and right to property; agreement to permit pawner to maintain possession.

Sec. 11. (1) If at any time before the sale of the item pledged or pawned the borrower pays or tenders to the pawnbroker the debt and interest and charges on the item, that payment or tender reinvests the pawner with the title and right of possession to the property pledged.

(2) A pawnbroker may agree in writing, after pledged or pawned unencumbered personal property has been deposited with the pawnbroker, to allow the pawner to maintain possession and use of the pledged or pawned unencumbered personal property during the term of the pawn or pledge transaction. A pawnbroker may take possession of the pledged or pawned property pursuant to section 9609 of the uniform commercial code, 1962 PA 174, MCL 440.9609.

History: 1917, Act 273, Eff. Aug. 10, 1917;—CL 1929, 9694;—CL 1948, 446.211;—Am. 1965, Act 252, Eff. Mar. 31, 1966;—Am. 1998, Act 233, Imd. Eff. July 3, 1998;—Am. 2004, Act 585, Imd. Eff. Jan. 4, 2005;—Am. 2018, Act 345, Eff. Jan. 14, 2019.

446.212 Misappropriated property; effect of written hold order; delivery of property to person claiming ownership; return of property to pawnbroker; liability; "appropriate law enforcement official" defined.

Sec. 12. (1) If an appropriate law enforcement official has probable cause to believe that property in the possession of a pawnbroker is misappropriated, or if a person files an official police report alleging misappropriation of property, the official may place a written hold order on the property. All of the following apply to a written hold order under this subsection:

(a) The hold order shall specify a holding period. The length of the holding period shall not exceed 90 days, unless extended by court order.

(b) The appropriate law enforcement official who placed the hold order may rescind it in writing.

(c) An appropriate law enforcement official may place only 1 hold order on a particular item of property.

(d) The hold order must include all of the following information:

(i) The name and mailing address of the pawnbroker.

(ii) The name, title, and identification number of the appropriate law enforcement official who placed the hold order and, if applicable, the number assigned to the claim or report relating to the property.

(iii) A complete description of the property in the possession of the pawnbroker, including model number and serial number, if applicable.

(iv) The name of the person that reported that the property was misappropriated, unless otherwise prohibited by law.

(v) The expiration date of the holding period specified under subdivision (a).

(2) An appropriate law enforcement official must sign and date a copy of a written hold order he or she placed on an item of property under subsection (1) as evidence that he or she placed the hold order and of the date the holding period specified under subsection (1)(a) begins.

(3) On the tenth day after a hold order placed under subsection (1) expires, if the pawnbroker has not received notice from a court that it has granted an extension of the hold order on the property, title to the property vests in and is considered conveyed by operation of law to the pawnbroker, free of any liability for claims but subject to any restrictions contained in the pawn transaction contract and subject to the provisions of this act.

(4) A court shall not grant an extension of a hold order placed on property under subsection (1) unless a person that claims an interest in the property that is adverse to the pawnbroker or pawner has filed a report with a law enforcement agency and provided a copy of the report to the court and a copy of that report accompanies the notice from the court that it granted the extension described in subsection (3).

(5) Except as provided in subsection (6), a pawnbroker shall not release or dispose of property that is subject to a hold order under this section except pursuant to a court order, a written release from the appropriate law enforcement official, or the expiration of the holding period of the hold order described in subsection (1)(a).

(6) While a hold order is in effect, on request, the pawnbroker must release the property that is subject to the hold order to the custody of the appropriate law enforcement official that placed the hold order for use in a criminal investigation or proceeding related to the ownership claim. The release of the property to the custody

of the appropriate law enforcement official is not considered a waiver or release of the pawnbroker's property rights in, interest in, or lien on the property.

(7) A law enforcement official or any other person that obtains custody of property under this section shall not deliver the property to any person that claims ownership of the property unless both of the following are met:

(a) The property is delivered after a hearing at which a court determines the merits of the claims to the property.

(b) If the court finds against the pawnbroker, the court orders the pawnbroker to make restitution to the pawnbroker for all money that the pawnbroker advanced, and the total interest and charges accrued since the pawnbroker first advanced that money, together with reasonable attorney fees and costs that the pawnbroker incurred in defending the action related to the disputed property.

(8) If the court after a hearing described in subsection (7)(a) finds in favor of the pawnbroker, the property must be returned to the pawnbroker.

(9) A pawnbroker is not liable to any person for any property that is seized from the pawnbroker based on the pawnbroker's inability to return the property to that person because of the seizure.

(10) As used in this section, "appropriate law enforcement official" means a sheriff or sheriff's deputy of a sheriff's department in this state; village or township marshal of a village or township in this state; officer of the police department of any city, village, or township in this state; or office of the Michigan state police.

History: Add. 2018, Act 345, Eff. Jan. 14, 2019.

Compiler's note: Former MCL 446.212, which pertained to disposition of surplus money resulting from sale, was repealed by Act 233 of 1998, Imd. Eff. July 3, 1998.

446.213 Pawned property; destruction or defacing unlawful; visibility of serial number or insignia.

Sec. 13. (1) A pawnbroker shall not deface, scratch, obliterate, melt, separate, or break into parts any article or thing received by him or her in pawn, or otherwise or in any manner do, cause, or suffer to be done by others, anything that destroys or tends to destroy the identity of the article or thing, or tends to render the identification of the thing or article more difficult.

(2) A pawnbroker shall not accept by way of pledge, pawn, purchase, or exchange any article or thing that customarily bears a manufacturer's serial number or other identifying insignia unless the number or insignia is plainly visible on the article or thing.

History: 1917, Act 273, Eff. Aug. 10, 1917;—CL 1929, 9696;—CL 1948, 446.213;—Am. 2004, Act 585, Imd. Eff. Jan. 4, 2005.

446.214 Pawned property; acceptance from certain persons prohibited.

Sec. 14. A pawnbroker shall not receive for pawn any article from any person under 18 years of age or a person the pawnbroker suspects as having stolen the article to be pawned.

History: 1917, Act 273, Eff. Aug. 10, 1917;—CL 1929, 9697;—CL 1948, 446.214;—Am. 1998, Act 233, Imd. Eff. July 3, 1998.

446.216 Bond of complainant; amount, surety.

Sec. 16. The said bond shall be in double the value of the property claimed, with such surety as such court shall approve, and shall be given to the person from whose possession the property was taken, with condition that the obligor so claiming the same will pay all the costs and damages that may be recovered against him by the obligee in any suit brought within 10 days from the date of such bond.

History: 1917, Act 273, Eff. Aug. 10, 1917;—CL 1929, 9699;—CL 1948, 446.216.

Constitutionality: Section held unconstitutional as violative of due process clauses of state and federal constitutions for failure to provide adequate notice and opportunity for hearing. Rassner v Federal Collateral Society, Inc., 299 Mich 206; 300 NW 45 (1941).

446.217 Transaction of business on Sunday unlawful.

Sec. 17. No license granted under the provisions of this act shall authorize any business to be transacted by pawnbrokers on the first day of the week commonly called Sunday.

History: 1917, Act 273, Eff. Aug. 10, 1917;—CL 1929, 9700;—CL 1948, 446.217.

446.218 Violation of act; penalty.

Sec. 18. Any person who shall violate any of the provisions of this act, whether as owner, or as clerk, agent, servant or employee, shall be guilty of a misdemeanor and upon conviction thereof in any court of competent jurisdiction be fined not less than 25 dollars nor more than 100 dollars, or by imprisonment in the county jail not less than 10 days nor more than 3 months, or by both such fine and imprisonment in the

discretion of the court.

History: 1917, Act 273, Eff. Aug. 10, 1917;—CL 1929, 9701;—CL 1948, 446.218.

446.219 Violation of act; revocation of license; duration.

Sec. 19. Upon a conviction of any person conducting business as a pawnbroker under this act, or on conviction of any clerk, agent, servant, or employee of the person, the chief executive officer of the governmental unit shall revoke the license of the person and no part of the license fee shall be returned to him or her. The governmental unit shall not issue a license as a pawnbroker to that person for the period of 1 year from the date of the revocation.

History: 1917, Act 273, Eff. Aug. 10, 1917;—CL 1929, 9702;—CL 1948, 446.219;—Am. 2002, Act 469, Imd. Eff. June 21, 2002.



MEMORANDUM

Date: July 12th, 2023

To: City of Madison Heights Planning Commission

From: Matt Lonnerstater, AICP – City Planner

Subject: Alley Vacation Request #PEE 23-0001 – Alley between 601 W. 12 Mile Road and 28767 Dartmouth Road.

Introduction

The Community & Economic Development Department has received a request to vacate a 20 ft.-wide improved alley right-of-way located between 601 W. 12 Mile Rd. and 28767 Dartmouth Rd. The alley also provides access to the property at 611 W. 12 Mile Road. All adjacent property owners have signed the petition. City Council has referred this request to the Planning Commission for study and recommendation.

The aerial and street view images below depict the location and conditions of the alley.

Aerial View



Source: Madison Heights GIS

Street View*Source: Google Streetview***Background**

Per Section 23-109 (*Vacation of Streets, Alleys, Etc.*) of Chapter 23 of the Code of Ordinances (*Streets and Sidewalks and Other Public Places*), City Council may consider petitions to vacate a street, alley, or right-of-way. When a right-of-way is vacated, the new property is split and allocated to adjacent properties. When 100% of adjacent property owners sign the petition, City Council may consider the initial request and appoint a time not less than four weeks thereafter to establish a public hearing. If desired, City Council may, but is not required to, refer the matter to the Planning Commission for study and report back to Council.

At their July 10th, 2023 meeting, City Council set a public hearing date for the August 14th meeting, but referred the alley vacation request to the Planning Commission for study and a recommendation prior to the hearing.

Project Area and Utilities

The existing alley abuts three (3) properties:

- **601 W. 12 Mile Rd.** is improved with a gas station (zoned B-3, General Business)
- **28767 Dartmouth Rd.** is improved with a single-family residence and detached garage (Zoned R-3, One-Family Residential)
- **611 W. 12 Mile Rd.** is vacant (zoned B-3, General Business)

The alley first appears in historic aerial photographs in 1974, as shown below. Based on these photographs, the alleyway historically only appears to service the commercial property at 611 W. 12 Mile Road (formerly Marinelli's Restaurant).

Historic Aerial Imagery (1974)



Source: Oakland County

An eight-inch (8") water line and a twelve-inch (12") sanitary sewer line are located within the existing alley right-of-way. The Department of Public Services (DPS) has reviewed the vacation request and requests the dedication of an easement. Therefore, if vacated, the City should retain a public utility easement over the property.

The alley vacation request has been sent to DTE Energy, Consumers Energy, ATT, WOW Net, and Comcast for their input and approval. To date, the City has received responses from DTE, Consumers Energy, and Comcast, who have all indicated that they have facilities located within the easement.

DTE: DTE has responded that they have utility equipment in the public alley in the form of overhead telephone poles/wires and objects to the vacation request. However, in their response letter, DTE states that they are open to relocation options.

Consumers Energy: Consumers Energy stated that they have underground natural gas facilities located within the alley. However, they do not object to the vacation if a 12-foot-wide easement is dedicated.

Comcast: Comcast responded that they have aerial facilities within the alley, likely collocated on the DTE Energy overhead poles. Therefore, relocation of comcast facilities would likely be contingent upon the DTE relocation plans.

Staff Recommendation

Based on the Department of Public Service’s comments, planning staff does not object to the requested alley vacation. However, a minimum 15 ft.-wide public utility easement will need to be recorded over the property. Additionally, the applicant will need to coordinate with utility companies regarding their needs pertaining to easements and facility relocation.

Therefore, staff advises that the Planning Commission recommend to City Council **approval of the requested alley vacation with the following conditions:**

- 1) A minimum 15-foot-wide public utility easement shall be dedicated and recorded on the property benefitting the City of Madison Heights and utility companies for underground facilities such as water, sanitary sewer, and natural gas lines.
- 2) Prior to formal approval of the alley vacation, the applicant shall coordinate with DTE Energy, Comcast, and any other remaining utility companies with facilities in the existing alley regarding necessary easements or facility relocation. Correspondence from such companies shall be provided to the City Planner prior to the alley vacation being recorded at Oakland County.

PETITION FOR VACATING A PUBLIC STREET, ALLEY AND/OR EASEMENT

To the Honorable,
The Mayor and City Council
Madison Heights, Michigan

Date: 6/6/2023

We, the undersigned petitioners, residing at the place set opposite our respective names hereto, being the abutting owners and mortgages of real estate located:

on the west Side(s) of Dartmouth Street
located between Twelve Mile Road and Karam Drive
in _____ Subdivision,

and being entirely in the City of Madison Heights and being 100 percent of the property owners above said area, hereby respectfully pray and petition that you vacate the public (Street, Alley, and/or Easement) lying adjacent to Lot(s) Acreage Parcel(s):

25-14-202-003 of _____ Subdivision (if any) and that said parcel become part of the adjoining property, according to law. Provided, however, that if said (street or alley) is now used or may be used for the general public convenience and welfare for sewers, water and gas mains, electrical lines and telephone lines and because said usages are for the benefit of the general public beyond the above described area and because this vacation is primarily for the private benefit of the undersigned petitioners, the City of Madison Heights, as a condition without existence of which this vacation shall be of no effect, reserves to itself for the benefit and welfare of the general public an easement co-extensive with the vacated (street, alley) for the purposes of general public convenience and necessities such as sewers, water and gas mains, and electrical and telephone lines together with the general right of entry for maintenance purposes in regard to such public conveniences and necessities, and we the undersigned, consent to the easement aforesaid on behalf of ourselves, our heirs, administrators and assigns.

48

e-recorded

LIBER 55006 PAGE 702

0214022

OAKLAND COUNTY TREASURERS CERTIFICATE
I HEREBY CERTIFY that there are no TAX LIENS or TITLES
held by the state or any individual against the within description
and all TAXES on same are paid for five years previous to the
date of this instrument as appears by the records in the office
except as stated.
Reviewed By: RTN

Oct 16, 2020

5.00 E-FILE

Sec. 135, Act 206, 1893 as amended
ANDREW E. MEISNER, County Treasurer

Not Examined

LIBER 55006 PAGE 702
\$21.00 DEED - COMBINED
\$4.00 REMONUMENTATION
\$5.00 AUTOMATION
\$1,505.00 TRANSFER TX COMBINED
10/16/2020 06:21:11 PM RECEIPT# 168966
PAID RECORDED - Oakland County, MI
Lisa Brown, Clerk/Register of Deeds



WARRANTY DEED

File No.: MI-20-3945

Drafted by:

Peter Joelson, Title Solutions Agency, LLC, 41486 Wilcox Road Suite 2, Plymouth, MI 48170

When recorded return to:

Title Solutions Agency, LLC, 41486 Wilcox Road Suite 2 Plymouth, MI 48170

THE GRANTOR, Cheryl A. Jamieson f/k/a Cheryl Ann Coldren

Whose address is: 28767 Dartmouth Street Madison Heights, MI 48071

Conveys and Warrants to Brian Najor

Whose address is: ~~28767 Dartmouth Street Madison Heights, MI 48071~~ 600 N. Old
Woodward St 100 Birmingham, MI 48009

Legal Description: City of Madison Heights, County of Oakland, State of Michigan, to wit:

Lot 12, ASSESSOR'S PLAT NO. 2, also vacated South 3 feet of alley lying Northerly of Lot 12 and Southerly of
Lots 5 through 11, also that part of vacated alley lying West of Lot 12, according to the plat thereof as recorded in
Liber 118 of Plats, Page 13, Oakland County Records.

Tax Parcel No.: 25-14-202-004

Commonly known as: 28767 Dartmouth Street Madison Heights, MI 48071

For the sum of ONE HUNDRED SEVENTY FIVE THOUSAND AND 00/100 Dollars (\$175,000.00)

The Grantor grants to the Grantee the right to make (ALL) divisions under section 108 of the land division act, Act
288 of the Public Act of 1967.

If the land being conveyed is unplatted, the following is deemed to be included: "This property may be located
within the vicinity of farmland or farm operation. Generally accepted agricultural and management practices which
may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan
Right to Farm Act."

Subject to easements, reservations and restrictions of record.

Page 1 of 2

LIBER 55006 PAGE 703

Attached to and becoming part of the Warranty Deed, on this October 14, 2020, file # MI-20-3945, between Cheryl A. Jamieson FKA Cheryl Ann Coldren, grantor(s) and Brian Najor, grantee(s).

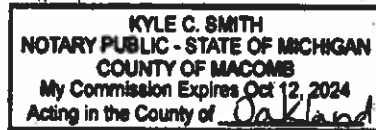
Dated: October 14, 2020

Signed and Sealed:

Cheryl A. Jamieson FKA Cheryl Ann Coldren
Cheryl A. Jamieson FKA Cheryl Ann Coldren

STATE OF Michigan } ss
COUNTY OF Oakland }

On this October 14, 2020, before me personally appeared Cheryl A. Jamieson f/k/a Cheryl Ann Coldren to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged that he/she/they executed the same as his/her/their free act and deed.



[Signature]
_____, Notary Public
_____, County, Michigan
My Commission Expires: _____
Acting in: _____

OAKLAND COUNTY TREASURER'S CERTIFICATE
This is to certify that there are no delinquent property taxes as of this date owed to our office on this property. No representation is made as to the status of any taxes, tax liens or titles owed to any other entities.

Item 3.

SEP 08 2020

RTN

5.00

ANDREW E. MEISNER, County Treasurer
Sec. 135, Act 206, 1893 as amended

181987
LIBER 54798 PAGE 175
\$26.00 DEED - COMBINED
\$4.00 REMONUMENTATION
09/10/2020 09:41:06 A.M. RECEIPT# 142231
PAID RECORDED - OAKLAND COUNTY
LISA BROWN, CLERK/REGISTER OF DEEDS

WARRANTY DEED
(Statutory Form - Entity)

Know all persons by these presents; that QSL Madison Heights RE, LLC
whose address is 555 Puritan, Birmingham, Michigan 48009

Conveys and warrants(s) to, 611 Madison Property, LLC, a Michigan limited liability company
whose address is 600 North Old Woodward Avenue, Suite 100, Birmingham, MI 48009

Land situated in the City of Madison Heights, County of Oakland, State of Michigan, described as follows:

All that part of a parcel of land in Section 14, Town 1 North, Range 11 East, described as: Beginning at a point on the North line of said Section 14, which is 1644.8 feet West of the Northeast corner of said Section 14; thence South 00 degrees 07 minutes West 425.8 feet; thence West parallel to Section line 474 feet; thence North 00 degrees 07 minutes East 425.9 feet; thence East on North Section line 474 feet to the point of beginning, which lies Southeasterly of a line described as: Beginning at the Northwest corner of Lot 11, Assessor's Plat No. 2, as recorded in Liber 118 of Plats, Page 13, Oakland County Records; thence North 90 degrees 00 minutes 00 seconds West along the North line of said Lot 11 (extended) a distance of 61.47 feet; thence South 02 degrees 42 minutes 20 seconds East a distance of 22.11 feet; thence South 54 degrees 55 minutes West a distance of 268.85 feet; thence South 25 degrees 29 minutes 00 seconds West a distance of 350 feet and a point of ending.

Commonly known as: 611 W 12 Mile Rd, Madison Heights, MI 48071
Parcel I.D. Number: 25-14-202-030 & 25-14-202-031

For the full consideration of -SEE REAL ESTATE TRANSFER TAX VALUATION AFFIDAVIT-
Subject to:

(a) Highway Easement in favor of the Board of County Road Commissioners of the County of Oakland, and terms conditions and provisions contained therein, recorded in Liber 6211, page 216, Oakland County Register of Deeds; and

(b) Permanent Easement for ingress and egress, and the terms, conditions and provisions contained therein, recorded in Liber 11022, page 588, Oakland County Register of Deeds.

44/3 89/33

OK-AB

Dated: 25 day of August, 2020

**REVENUE TO BE AFFIXED
AFTER RECORDING**

2020 SEP -3 PM 2:01

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS

Page 2 of Warranty Deed between QSL Madison Heights RE, LLC, a ~~Michigan Limited Liability Company~~
(Grantor) and 611 Madison Property, LLC, a Michigan limited liability company (Grantee)

SELLER(S) QSL Madison Heights RE, LLC

By: 

Milton Feldberg, Manager

State of Michigan

County of Oakland

On this 25th day of August, 2020, before me personally appeared QSL Madison Heights RE, LLC, by Milton Feldberg, Its Manager, known to me to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

NADA MARKOVIC JUDGE
Notary Public, State of Michigan
County of Oakland
My Commission Expires Jun. 15, 2023
Acting in the County of Oakland

Nada Markovic Judge
Notary Public
Oakland County, Michigan
Acting in Oakland County
My Commission Expires: 6-15-23

Instrument drafted without opinion by:	When recorded return to
Walter Quillico, ESQ. 28470 W. 13 Mile Rd., Suite 325 Farmington Hills, MI 48334	611 Madison Property, LLC 600 North Old Woodward, Ste. 100 Birmingham, MI 48009

TC13-89133

↓
Title Connect LLC
a title insurance agency
28470 W. 13 Mile Rd. Suite 325
Farmington Hills, MI 48334

MEMORANDUM OF LAND CONTRACT

Know all men by these presents that a certain land contract, dated, 1st day of December, 2020, has been executed between Casey Developments, L.L.C., a Michigan Limited Liability Company, as "Seller", whose address is 49649 Red Pine Drive, Macomb, MI 48044

and MAD Fuels Holdings LLC, as "Purchaser(s)", whose address is 600 North Old Woodward Avenue, Suite 100, Birmingham, MI 48009

the following described premises:

Land situated in the City of Madison Heights, County of Oakland, State of Michigan, described as follows:

Lots 5 through 11, inclusive, except the North 7 feet thereof deeded for highway purposes, Assessor's Plat No. 2, according to the plat thereof, as recorded in Liber 118 of Plats, Page 13, Oakland County Records.
25-14-202-003

CKA: 601 W. 12 mile Rd, Madison Heights, MI 48071

The purpose of this instrument is to give notice of the existence of the aforesaid land contract and the rights of the Purchaser(s) thereunder.

IN WITNESS WHEREOF, the Seller(s) and Purchaser(s) have executed this Memorandum of Land Contract on 1st day of December, 2020

SELLER(S). Casey Developments, L.L.C., a Michigan Limited Liability Company

By: *May Najem*
May Najem, Managing Member

STATE OF: MICHIGAN
COUNTY OF: Oakland

On this 1st day of December, 2020, before me personally appeared Casey Developments, L.L.C., a Michigan Limited Liability Company, by May Najem, Managing Member, known to me to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Deborah M. Hamilton
Notary Public Deborah M. Hamilton County Oakland
My Commission expires on: 12-11-2024

DEBORAH M. HAMILTON
Notary Public, State of Michigan
County of Oakland
My Commission Expires Dec. 11, 2024
Acting in the County of Oakland

TC-13-94566

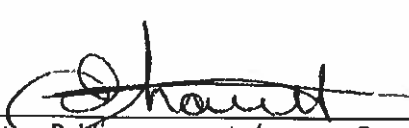
PURCHASER(S): **MAD Fuels Holdings LLC, a Michigan Limited Liability Company**

By: 

Brian Najor, Manager

STATE OF: **MICHIGAN**
COUNTY OF: **OAKLAND**

On this 1st day of **December**, 2020, before me personally appeared **MAD Fuels Holdings LLC, a Michigan Limited Liability Company**, by **Brian Najor, Manager**, known to me to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.


Notary Public **Oakland** County
My Commission expires on: **3-7-2021**

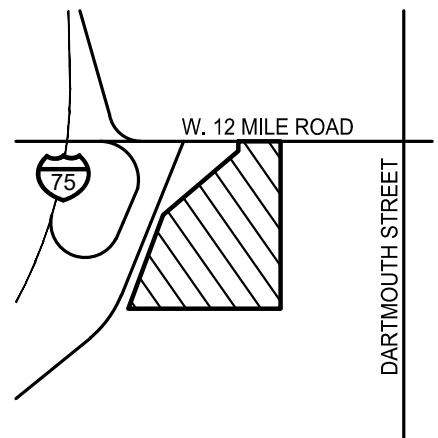
Shannel Konja
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF **Oakland**
My Commission Expires **03/07/2021**
Acting in the County of **Oakland**

Drafted by and without opinion by:	When recorded return to:
Walter Quillico, ESQ 28470 W. 13 Mile Road, Suite 325 Farmington Hills MI 48334	MAD Fuels Holdings LLC 600 North Old Woodward Avenue, Suite 100 Birmingham, MI 48009

TC13-94566



CAUTION!!
THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.



CLIENT

NAJOR COMPANIES
600 NORTH OLD WOODWARD, SUITE 100
BIRMINGHAM, MICHIGAN 48009

PROJECT TITLE

**NAJOR
12 MILE & I-75**
611 W. 12 MILE ROAD
MADISON HEIGHTS, OAKLAND COUNTY, MI

REVISIONS

ORIGINAL ISSUE DATE:
XXXXXX, 2020

DRAWING TITLE
**TOPOGRAPHIC
SURVEY**

PEA JOB NO. 2020-0409
P.M. GWC
DN. LKP
DES.
DRAWING NUMBER:

1

REFERENCE DRAWINGS

ALTANISPS LAND TITLE SURVEY, KEM-TECH PROJECT NO. 19-00397, DATED MARCH 04, 2019

LEGAL DESCRIPTION

PARCEL ID 25-14-202-030
T1N, R11E, SEC 14, PART OF NE 1/4, BEG AT NW COR OF LOT 11 OF 'ASSESSORS PLAT NO 2', TH W 61.47 FT, TH S 00-42-20 E 22.11 FT, TH S 54-55-50 W 268.95 FT, TH S 25-29-00 W 85.06 FT, TH E 317.32 FT, TH N 00-07-00 E 253.37 FT TO BEG 1.06 A 8/22/89 FR 002

PARCEL ID 25-14-202-031

T1N, R11E, SEC 14, PART OF NE 1/4, BEG AT PT DIST S 00-07-00 W 253.37 FT FROM NW COR OF LOT 11 OF 'ASSESSORS PLAT NO 2', TH W 317.32 FT, TH S 25-29-00 W 132.42 FT, TH E 374.05 FT, TH N 00-07-00 E 119.53 FT TO BEG 0.95 A 8/22/89 FR 002

BENCHMARKS

BM #300 (KEM-TEC SITE BM #1)
ARROW ON A HYDRANT LOCATED ON THE EAST SIDE OF THE PROPERTY, APPROX. 50'± SOUTH OF THE ALLEY.
ELEV. - 638.35

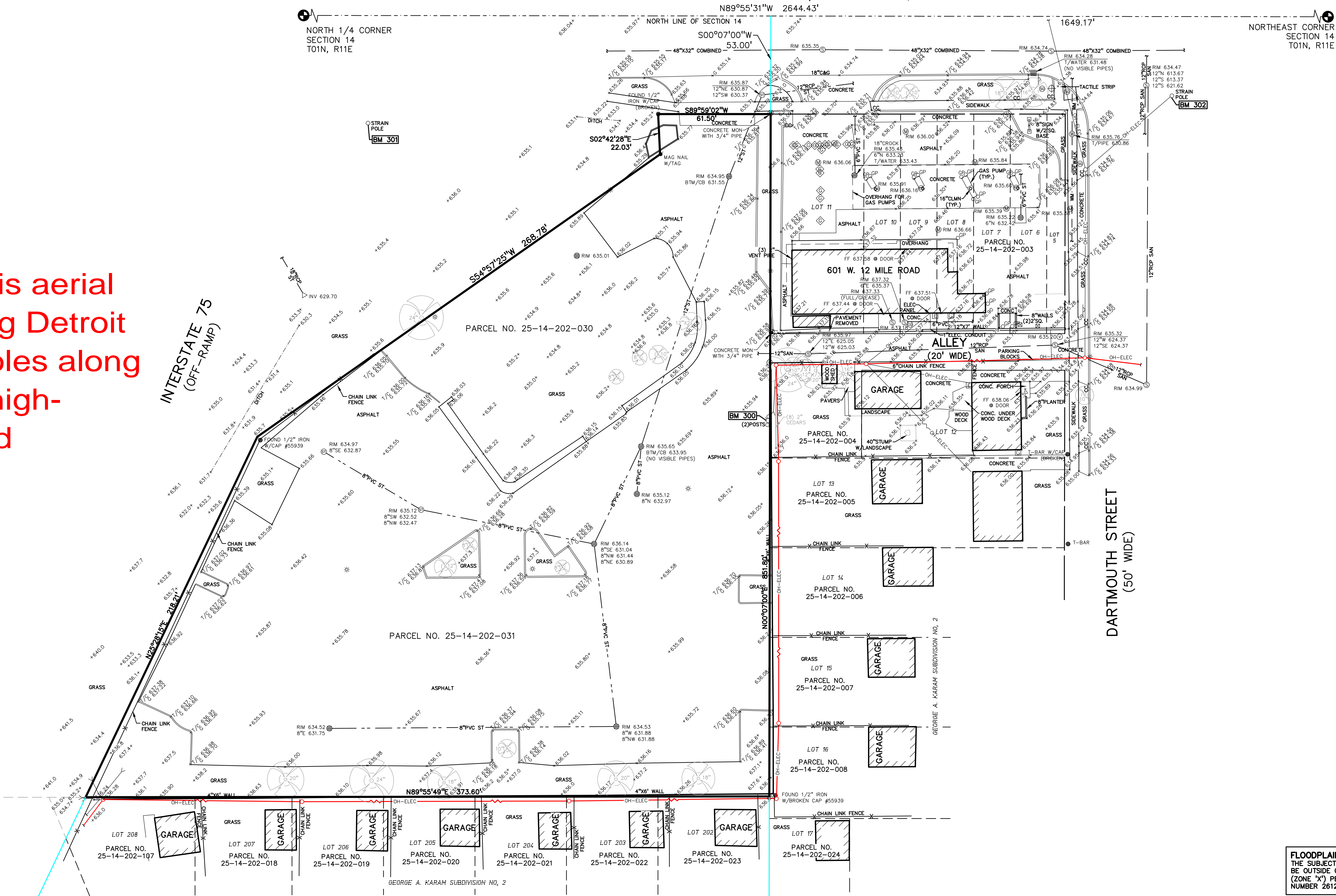
BM #301 (KEM-TEC SITE BM #2)
CHISELED 'X' ON THE SOUTHEAST BOLT OF A STRAIN POLE LOCATED AT THE SOUTHEAST CORNER OF W. 12 MILE RD & I-75 RAMP.
ELEV. - 637.07

BM #301
CHISELED 'X' ON THE SOUTHWEST BOLT OF A STRAIN POLE LOCATED AT THE SOUTHEAST CORNER OF W. 12 MILE RD & DARTMOUTH ST.
ELEV. - 635.80

LEGEND

- IRON FOUND
- IRON SET
- NAIL FOUND
- NAIL & CAP SET
- BRASS PLUG SET
- MONUMENT FOUND
- MONUMENT SET
- SEC. CORNER FOUND
- RECORDED
- MEASURED
- CALCULATED
- EXISTING
- OH-ELEC-W
- UG-CATV
- PHONE U.G. CABLE, PEDestal, & MANHOLE
- ELECTRIC U.G. CABLE, METER & HANDHOLE
- GAS MAIN, VALVE & GAS LINE MARKER
- WATERMAIN, HYD. GATE VALVE, TAPPING SLEEVE & VALVE
- SANITARY SEWER, CLEANOUT & MANHOLE
- STORM SEWER, CLEANOUT & MANHOLE
- COMBINED SEWER & MANHOLE
- SQUARE, ROUND BEEHIVE CATCH BASIN, YARD DRAIN
- POST INDICATOR VALVE
- WATER VALVE BOX/HYDRANT VALVE BOX, SERVICE SHUTOFF
- MALIBOX, TRANSFORMER, IRRIGATION CONTROL VALVE
- UNIDENTIFIED STRUCTURE
- SPOT ELEVATION
- CONTOUR LINE
- FENCE
- GUARD RAIL
- STREET LIGHT
- SIGN
- CONC.
- ASPH.
- GRAVEL
- GRAVEL SHOULDER

W. 12 MILE ROAD
(VARIABLE WIDTH)



Comcsat is aerial
on existing Detroit
Edison poles along
the path high-
lighted red

FLOODPLAIN NOTE:
THE SUBJECT PARCEL LIES WITHIN AREA DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN (ZONE 'X') PER FEMA FLOOD INSURANCE RATE MAP NUMBER 26125C0563F, A NON-PRINTABLE PANEL

REVIEW OF ALLEY VACATION IN MADISON HEIGHTS

LEGAL DESCRIPTION

PARCEL ID 25-14-202-Q31
TIN, R11E, SEC 14, PART OF NE 1/4, BEO AT PT DIST S 00-07-00 W
253.37 FT FROM NW COR OF LOT 11 OF "ASSESSORS PLAT NO 2", TH
317.32 FT, TH S 25-29-00 W 132.42 FT, TH E 374.05 FT, TH N
00-07-00 E 119.53 FT TO BEO 0.95 A 8/22/89 FR 002

BN #300 (KEM-TEC SITE BN #1)
ARROW ON A HYDRANT LOCATED ON THE EAST SIDE OF THE PROPERTY
APPROX. 50'± SOUTH OF THE ALLEY.
ELEV. - 838.35

BM #301 (KCM-TEC SITE BM #2)
CHISELED "X" ON THE SOUTHEAST BOLT OF A STRAIN POLE LOCATED /
THE SOUTHEAST CORNER OF W. 12 MILE RD & I-75 RAMP.
ELEV. - 637.07

BM 6301
CHISELED 'X' ON THE SOUTHWEST BOLT OF A STRAIN POLE LOCATED
THE SOUTHEAST CORNER OF W. 12 MILE RD & DARTMOUTH ST.
ELEV. - 636.80

☐ IRON FOUND ☐ BRASS PLUG SET ☐ SEC. CORNER FOUND
☐ IRON SET ☐ MONUMENT FOUND ☐ RECORDED
☐ NAIL FOUND ☐ MONUMENT SET ☐ MEASURED
☐ NAIL & CAP SET ☐ ☐ CALCULATED

FIXING

SLUG, PHONE OR CABLE TV LINE POLE & GUY UNDERGROUND TVS IN CITY PROBLEM.

SPUG-UG UG CABLE, REEFERIAL & MANHOLE

ELECTRIC UG CABLE, MANHOLE, METER & MANHOLE

ONE MAIN VALVE & GAS LINE MANHOLE

WATERMANS, HD, GATE VALVE, TAPPING SLEEVE

SEWATER, LAMPS, CUT-OUT & MANHOLE

STORM SEWER, 6" DIA. GUY & MANHOLE

COINAGE, REEFERIAL & MANHOLE

BOILER, ROAD & SEWER & GAS MAIN, HAND OF

FEED INDUCTOR, 1" DIA. GUY & MANHOLE

RAIL VALVE, REEFERIAL, MANHOLE, SEWER

MANHOLE, TRANSFORMER, PROTECTION CONTROL

UNDERGROUND STRUCTURE

BIG TIGHT INSIDE

CONTOUR LINE

FIXED

QUARD RAIL

STREET LIGHT

BOP.

CONC.

CONCRETE

ASPH.

ASPHALT

GRAVEL

GRAVEL SHOULDER

CAUTION:
THE LOCATION AND SURFACES OF THE SIGNS (GEOPOLYMER) WILL BE IN FORM OF THE SIGNAGE AND CAN BE DAMAGED. NO GUARANTEE IS GIVEN. PLEASE DO NOT ASK TO BE THE COMPLETE RANGE OF ACCURACY. THE RISK OF THE CONTRACTING TO BE A BE EXHAUSTIVE RESPONSIBILITY FOR DETERMINING THE ACTIVITY LOCATION AND SURFACES OF THE SIGNAGE CONSTRUCTION.

CLIENT
MAJOR COMPANIES
800 NORTH OLD WOODWARD, SUITE 100
GREENSBORO, N.C. 27401

PROJECT TITLE
**NAJOR
12 MILE & I-75**
811 W. 12 MILE ROAD
HADDONFIELD TOWNSHIP, CUMBERLAND COUNTY, NJ

REVISIONS

ORIGINAL ISSUE DATE:
XXXXXX, 2020

DRAWING TITLE
**TOPOGRAPHIC
SURVEY**

PEA JOB NO. 2020-040

P.M.	G.W.
------	------

DN	LN
----	----

DES

DRAWING NUMBER:

1

FLOODPLAIN NOTE:
THE SUBJECT PARCEL LIES WITHIN AREA DETERMINED
BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN
(ZONE 'X') PER FEMA FLOOD INSURANCE RATE MAP
NUMBER 28125C0563F, A NON-PRINTABLE PANEL



June 29, 2023

Mr. Matt Lonnerstater, AICP
City Planner
City of Madison Heights

Re: Request for public alley vacation

Dear Mr. Lonnerstater:

Please be advised that the DTE Electric Company has reviewed your request for the vacation of a public alley located between 601 W. 12 Mile Road and 28767 Dartmouth Street, Madison Heights.

Upon inspection of the property, DTE Electric Company has an objection to this request. DTE Electric Company currently has utility equipment in this public alley and therefore we must deny your request. If you would like to explore relocation options, please call 1-800-477-4747 and submit a request for utility equipment relocation and we will be happy to explore any available options and give you a cost estimate for the work necessary to do so.

Should you have any questions regarding your request, or require additional information, please contact me at Kimberly.tassen@dteenergy.com.

Sincerely,

Kimberly A. Tassen

Kimberly A. Tassen, SR/WA, R/W-NAC
Right of Way Facilitator
DTE Electric Company
Redford Service Center
Kimberly.tassen@dteenergy.com



November 29, 2022

VIA ELECTRONIC MAIL

Keith Maziasz
Senior Vice President
Najor Companies
600 N. Old Woodward
Suite 100
Birmingham, MI 48009

**RE: VACATION OF PUBLIC ALLEY IN THE CITY OF MADISON HEIGHTS
ON DARTMOUTH STREET AND 12 MILE ROAD**

Dear Mr. Maziasz,

Comcast is in receipt of your email on the above referenced vacation of public alley in the City of Madison Heights and requesting confirmation that Comcast has no facilities impacted with the request to vacate the alley.

We have reviewed the request with the map provided and determined that Comcast has aerial facilities in the area marked by a rectangle on the attached map. Do let us know if this area needs to be vacated.

Should you have any questions or concerns regarding this matter, please do not hesitate to contact me directly at (404) 821-2010 or our Senior Manager of Construction, Jeff Dobies at (313) 363-8027.

Thank you for your attention to this important matter.

Sincerely,

Therese Imachukwu

Therese Imachukwu
Senior Manager

cc. Jeff Dobies

City of Madison Heights - Request to Vacate Alley Right-of-Way - Alley between 601 W.
12 Mile Road and 28767 Dartmouth St.

Robert F. Marvin <Robert.Marvin@cmsenergy.com>

Thu 7/6/2023 1:05 PM

To: Matt Lonnerstater <MattLonnerstater@Madison-Heights.org>

Cc: Shanna Bradley-Wilson <Shanna.BradleyWilson@cmsenergy.com>

 1 attachments (240 KB)

Madison Heights Alley Vacation 07.06.2023.jpg;

Good afternoon, Matt.

We've had a chance to review this vacation request and we do have underground natural gas facilities located within the alley. However, we don't have an objection to the vacation so long as an easement is reserved for our facilities. For underground gas facilities, we typically request a non-exclusive 12 foot easement (six feet on either side of the centerline of the main). Should you have any questions or concerns, please feel free to contact me.

Thanks.

Rob

Robert F. Marvin

Senior Attorney

Legal Department

One Energy Plaza

Jackson, MI 49201

O: 517-788-7298

C: 517-914-6167

WORLD CLASS PERFORMANCE DELIVERING HOMETOWN SERVICE



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