

RIGHT-OF-WAY VACATION

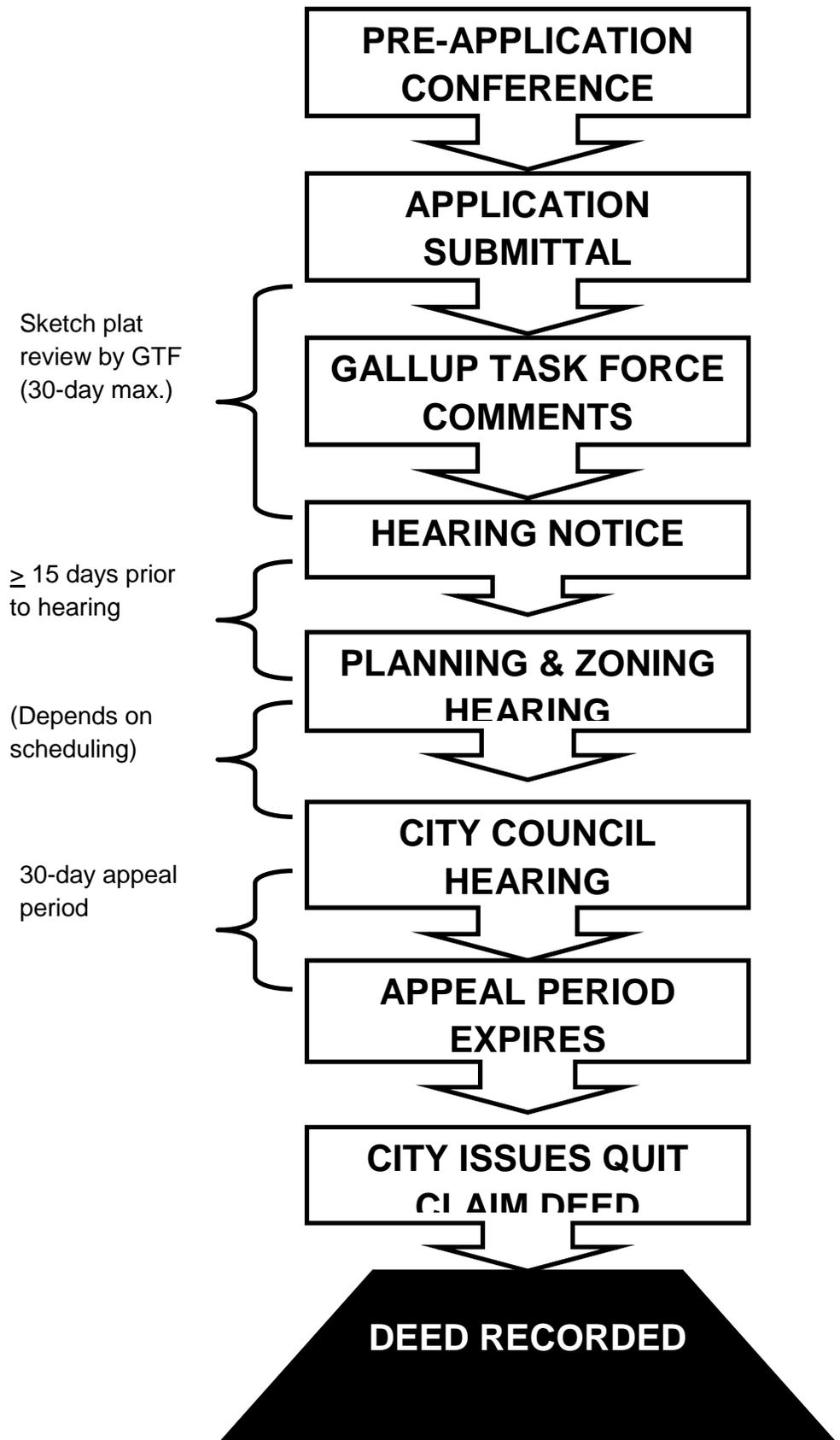


OR

Requesting Land from Adjacent City Rights-of-Way



THE VACATION PROCESS



RIGHT-OF-WAY VACATION FOR STREET, ALLEY OR PUBLIC EASEMENT

INTRODUCTION:

A right-of-way vacation for a street, alley, or public easement may be requested by a property owner who can show that the public way is not needed by the city. The authority to grant the right-of-way vacation lies with the City Council who may or may not approve it by means of an Ordinance. If the vacation is granted, the Ordinance shall act as a quit-claim deed to the property owner(s).

HOW THE RIGHT-OF-WAY REQUEST WORKS:

1. Meet with the Planning Director to discuss your request. An appointment may be scheduled by calling 505.863.1240. A meeting without an appointment maybe possible depending on the Planning Director's schedule or over the phone if there is a hardship preventing you from coming in
2. A written letter will be required explaining your reason(s) for the Right-Of-Way Vacation request along with the completed application.
3. A \$100.00 processing fee to be paid at the time the application is submitted.
4. The deadline for accepting the application is the second Friday of every month. Please refer to the *Planning & Zoning Commission Meeting Calendar* for specific submittal deadlines and meeting dates.
5. Once the application is received, the adjacent property owners (within 100 feet, excluding the right-of-way) will be notified, a public hearing notice will be published in the newspaper and a *Staff Recommendation* will be prepared.
6. The request will go before the Planning & Zoning Commission with a public hearing. The P&Z Commission meets the second Wednesday of the month in the City Council Chambers.
7. You and/or a representative will be required to be present for the meeting before the P&Z Commission or the commission will not review your case.
8. After the P&Z Commissioners issue their recommendation, the request will need to go before the City Council for a public hearing and it is their decision to grant or deny the request. If approved, the Ordinance will be adopted by the City Council and the Ordinance shat act as a quit-claim deed.

IMPORTANT POINTS TO REMEMBER:

1. A right-of-way vacation request has a \$100.00 processing fee. This fee **MUST** be paid as part of the application submission process.
2. There are two (2) public hearings: the P&Z Commission and the City Council.
3. Your request will not be heard if you and or your representative are not present.
4. Five (?) copies of a plat identifying the right-of-way vacation request are to be submitted with application.

COMMON PROBLEMS AND HOW TO AVOID THEM:

1. Neighborhood Opposition: Visit and talk with your neighbors about your request and keep them informed.
2. Payment of Fee: Payment of the processing fee does not guarantee approval of your request.
3. Lack of Information: all applications must be fully completed and contain the original signature of the property owner. No faxed or emailed applications will be accepted.
4. Meeting Deadlines: the deadline is the 2nd Friday of each month. It is important to have these applications in before the deadline if possible to avoid any delays from possible corrections that may need to be made.

VACATING GUIDELINES FOR STREET, ALLEY AND UTILITY EASMENT

VACATING MAY NOT BE APPROVED IF:

1. Part of a Capital Improvement Program Project
2. Street extension is likely or needed
3. Utility access is needed at the present time
4. Present ingress / egress for streets

VACATING MAY BE APPROVED IF:

1. No public benefit at this time
2. Not developable due to topography and other natural conditions
3. No future developments are likely
4. Presently not needed for utility access. *(Please Note: the Ordinance reserves the right for future easement)*
5. Master Plan Guidelines

POSSIBLE REQUIREMENTS IN ORDINANCE:

1. Specifically exempted from this vacation and reserved are necessary easements for any and all existing or future utilities including cable television.
2. If said vacation is granted and the development necessitates the relocating of any public utilities, the applicant agrees to grant to the City permanent easements for the location of such public utilities and agrees to move such lines at the applicant's expense.



APPLICATION FOR VACATING STREET ALLEY OR PUBLIC EASEMENT

1. APPLICANT INFORMATION

- (a) NAME: _____ Phone #: _____
 Mailing Address: _____ Fax #: _____
 City: _____ State: _____ Zip: _____
- (b) **Applicant's Signature:** _____ **Date:** _____
- (c) Agent / Representative: _____ Phone #: _____
 Mailing Address: _____ Zip: _____
 City: _____ State: _____ E-mail: _____
- (d) **Agent / Representative Signature:** _____ **Date:** _____

2. PROPERTY OWNER *(Please complete if Applicant is NOT the Property Owner)*

- (a) NAME: _____ Phone #: _____
 Mailing Address: _____ E-mail: _____
 City: _____ State: _____ Zip Code: _____
- (b) **Property Owner's Signature:** _____ **Date:** _____

3. LOCATION OF REQUEST

- (a) Street Address (if any): _____
- (b) Present Legal Description of the Vacation: _____

- (c) General Description of Vacation: _____

4. PROJECT DETAILS

- (a) Written statement explaining request for proposed vacation: Yes No
- (b) Five (5) copies of a plat identifying the proposed vacation: Yes No
- (c) Processing fee of \$100.00 included: Yes No

O F F I C E U S E O N L Y

Pre-App. Conf.: _____ Application/Fees Accepted By: _____
 Fee Paid: \$_____ Method of Payment: _____
 Hearing Date: _____ Case #: _____

[DATE STAMP]