



Petition and Consent to Vacate

E-PLANS INSTRUCTIONS

PLEASE FOLLOW STEPS 1 & 2 BEFORE SUBMITTING THIS APPLICATION

1. Pre-apply and pay your processing fees online at this [LINK](#)
2. Wait for a "pre-screen complete" e-mail from the City of Springfield with instructions for e-plans review process.
3. Complete this application and upload a digital (pdf) copy through e-plans.

Office Use Only

Vacation No.	
Date Filed	
Received By	
Receipt No.	

Fee Amount Paid? \$ _____

[*See Fee Schedule](#)

PETITION TO VACATE

1. This is a petition to vacate (check one):

☐

A Street

☐

An Alley

☐

A Subdivision

2. The signers of this application ask the Planning and Zoning Commission of the City of Springfield, Missouri to vacate the following described property (insert the legal description of the property you wish to vacate here or attach it on a separate sheet of paper and provide a digital copy in Microsoft Word format):

3. The signers state that this property should be vacated for the following reasons (a separate sheet may be attached):

All property owners whose properties are next to the property to be vacated must be listed below. If a property is in joint ownership, each owner must be listed. If this petition and consent is to vacate a subdivision, a list of all property owners owning property within the subdivision must be certified by an attorney or a title company and attached to this petition.

4. List the following of each adjacent property (a separate sheet may be attached):

Name and Address of each owner:

Legal Description of each property:

1. If any public utilities are located within the right-of-way or subdivision to be vacated, an easement must be given to the City by all adjacent property owners or the utilities must be moved by the applicant before the application is

complete. Until an application is complete, the request will not be placed on a Planning and Zoning Commission agenda.

2. The applicant will be billed by the Springfield Newspaper for the actual cost of advertising the public hearing notice in the paper. The advertising cost will be determined by the newspaper.
3. Incomplete applications will be returned to the applicant and not placed on the agenda. Close attention to the attached brochure will help avoid a delay in your case being heard by Planning and Zoning Commission.
4. The applicant must post the proposed area of vacation in at least three prominent places near the area to be vacated.

BILL ADVERTISING TO AND CONTACT PERSON:

Name: _____

Mailing Address: _____ Zip Code: _____

Phone Number: _____ Fax Number: _____

- If the planning and zoning commission finds that all conditions have been met, then the planning and zoning commission may adopt a resolution to approve vacating the area.
- If the planning and zoning commission does not adopt a resolution vacating the area, the applicant may request that the city council hear the request for vacation, provided a request for review is filed within 15 days with the city clerk from the date the planning and zoning commission denies the request.
- If the planning and zoning commission approves the request to vacate, any person objecting thereto may petition the city council to review the request to vacate by filing an appeal within 15 days with the city clerk from the date the resolution was passed by the planning and zoning commission.
- All appeals will require additional postage cost for notification of property owners within 300 feet and posted at least 10 days prior to the city council hearing.
- Any person aggrieved by a decision of the city council may appeal to the county circuit court within 30 days after a decision is rendered by the city council in accordance with the procedures set forth in RSMo ch. 536.

* Fees are non-refundable

**Additional recording fees may be required for any needed easement(s)

STATE OF MISSOURI)

Notary Public

NOTICE: If any public utilities are located within the right-of-way or subdivision to be vacated, an easement(s) must be given to the City by all the adjacent property owners or the utilities must be moved by the applicant before the vacation can be approved. You must submit all easement forms to the Zoning/Subdivisions Section at least 10 days prior to the Planning/Zoning Commission meeting at which your request is scheduled to be heard.

Requests for Tabling. Any applicant may request that the Commission table their application by submitting such request in writing to Zoning & Subdivision Services at least 48 hours in advance of the scheduled meeting at which the application is to be considered. If a request is made less than 48 hours in advance of such meeting, the Commission may, upon good cause shown, table such item upon its own motion.

NEIGHBORHOOD NOTIFICATION AND MEETING PROCESS

The developer or applicant is required to hold a neighborhood meeting and invite the neighborhood and any recognized neighborhood association on file with the Department surrounding the proposed vacation.

NEIGHBORHOOD MEETING PROCESS:

(1) NOTIFICATION:

- Notice of the neighborhood meeting shall be sent to at least one record owner of each property and any recognized neighborhood association within at least five-hundred (500) feet from the proposed rezoning area*.
- Notice shall be sent by first-class mail, postage paid, at least ten (10) days prior to the neighborhood meeting.
- Each mailing shall include the invitation letter to the neighborhood meeting and attached letter from staff titled, "NOTICE."
- A copy of the neighborhood meeting letter shall be provided by the application deadline.

(2) AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING:

- The applicant shall submit attached affidavit titled, "Affidavit of Neighborhood Notification and Meeting"
- The affidavit must be submitted by the Friday following the application deadline.

(3) NEIGHBORHOOD MEETING:

- The neighborhood meeting shall take place at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing.
- The meeting is held early enough to provide adequate time for the developer to negotiate with the neighborhood to attempt to resolve any issues and provide any changes to staff to evaluate and include in the staff report.
- The meeting shall be held on the property or in the vicinity of the property involved in the application. If this is not possible, an explanation shall be provided citing the reasons the meeting was held elsewhere.
- The meeting shall be held during the time frame of 4:00 p.m. to 6:30 p.m. to allow more neighbors to attend before or after work.

(4) NEIGHBORHOOD MEETING SUMMARY:

- Following the neighborhood meeting and at least ten (10) days prior to the Planning and Zoning Commission public hearing, the developer shall submit a summary of the meeting to the Planning and Zoning Department using the attached format and include the responses to the items listed on the template form titled, "Exhibit 2: Neighborhood Meeting Summary" **.
- Additional information, such as letters from neighbors, list of everyone who attended, shall be attached to the summary.

*Development Review staff can provide a mailing list for a fee covering the cost of preparing the list.

**If the developer does not submit the meeting and additional documents at least ten (10) days prior to the Planning and Zoning Commission public hearing, the application shall be considered incomplete and the Commission shall, following the public hearing, table the case and continue the public hearing to the next meeting or a later meeting agreed to by the developer. The developer shall be responsible for the postage fees related to notifying the neighbors that the application will automatically be postponed.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING

I, _____ (*print name*), attest that the invitation letter to the neighborhood meeting (attached) was mailed ten (10) days prior to the neighborhood meeting on _____ (*month/date/year*), the neighborhood meeting is scheduled to be held on _____ (*month/date/year*), which is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Exhibit 1: Neighborhood Notification and Meeting Process."

Signature of person completing mailings

Printed name of person completing mailings

**NOTE: this affidavit must be submitted by the Friday following the application deadline.*

NEIGHBORHOOD MEETING SUMMARY

1. Request to vacate: _____

(subject address)
2. Meeting Date & Time: _____
3. Meeting Location: _____
4. Number of invitations that were sent: _____
5. How was the mailing list generated: _____
6. Number of neighbors in attendance (attach a sign-in sheet): _____
7. List the verbal comments and how you plan to address any issues:

8. List or attach the written comments and how you plan to address any issues:

NOTICE

Enclosed you have received a notice of a "Neighborhood Meeting" submitted by the applicant to discuss a vacation in your neighborhood. For all development applications involving an advertised public hearing, City Council requires developers to hold a neighborhood meeting and invite the property owners within 500 feet of the property and to the officers of neighborhood association on file with the Department.

A "Neighborhood Meeting" is held early enough to provide adequate time for the developer to negotiate with the neighborhood in order to resolve any issues and provide any proposed changes to City staff to evaluate and include in City staff reports.

If the developer submits, an application for a vacation of the property will be posted, there will be public notifications in the newspaper and notification by mail to the property owners within 300 feet of the project.

The Vacation Process:

1. Application
2. Neighborhood Meeting (500 feet notification from subject property)
3. Planning and Zoning Commission holds a Public Hearing and decides whether to approve or deny the vacation (300 feet notification from subject property)
 4. If appealed, 1st City Council Public Hearing (300 feet notification from subject property)
 5. 2nd City Council Meeting to decide either to approve or to deny the vacation

City staff is available to meet with you or your neighborhood association representative(s) to discuss the proposed vacation and answer questions at 417-864-1611.

Staff submits a report with a recommendation one week prior to the date of the public hearing at the Planning and Zoning Commission. You can provide comments on the attached "Comment Card" by mail or by email at zoning@springfieldmo.gov. Please include your name, address and telephone number as well as the address of the project in your correspondence.

Bob Hosmer, AICP Principal Planner
City of Springfield Development Review Office
840 Boonville Ave, Springfield Missouri 65801

Comment Card: mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:		Telephone No.	
YOUR NAME:			
YOUR ADDRESS:			
PROJECT ADDRESS:			
COMMENTS:			

SIGN POSTING

Applicants are responsible for providing notice to interested parties by posting a sign(s) on the subject property visible from an abutting public right-of-way.

Refer to Section 36-368, Publication and Posting of Notices

Sign Posting Process:

1. After an application is determined to be complete and assigned a public hearing schedule by the Development Review Office the applicant shall arrange a time to receive posting instructions and signs from planning staff within seven (7) days of the application deadline.
2. The applicant shall post the sign and submit an affidavit of sign posting to the Development Review Office
 - a. The applicant shall post the notice at least ten (10) days prior to the hearing in conspicuous places on or in the immediate vicinity of the subject property, and shall not impede the vision of drivers or pedestrians. Staff recommends the notice be posted within ten (10) feet of the adjacent street and in a manner that the bottom portion of the sign is no less than eighteen (18) inches from the ground.
 - b. The applicant may determine an alternate location where the property is not adjacent to the street, with approval by planning staff.
 - c. Additional signs may be required at discretion of planning staff.
3. The applicant shall submit an affidavit and photograph(s) of the sign posting.
 - a. The applicant shall photograph the sign(s) and attach the photograph(s) to the affidavit (**example attached**). The applicant shall submit to Development Review Staff seven (7) days prior to hearing.
4. The applicant will be responsible for returning the sign(s) to the Development Office after the hearing.

***Postponed Hearing:** If hearing is postponed, the applicant will be notified when a new sign has been created. The applicant is responsible for posting new date of the hearing in accordance with the criteria herein.

AFFIDAVIT OF SIGN

Attach photo here

(sign lettering must be legible in photo)

I, _____ (*print name of owner, agent, attorney*), attest that the above sign was posted 10 days before the public hearing on _____ (*month/day/year*) and in accordance with the given posting requirements.

Signature of person completing sign posting

Printed name of person completing sign posting

CHECKLIST FOR APPLICATION TO VACATE STREETS, ALLEYS, OR SUBDIVISIONS

This checklist is designed to help you make sure that you submit everything that is required for a complete application to vacate a street, alley or subdivision and that you fill out the application form completely. Applications that are complete and submitted to the Development Review Office by 5:00 P.M. on deadline day (see Processing Time Schedule) will be processed for the next scheduled Planning and Zoning Commission meeting. Incomplete applications will be rejected and returned to the applicant and not placed on the agenda. Close attention to the checklist will help avoid a delay in your case being heard by the Planning and Zoning Commission and City Council.

APPLICATION FORM:	
<input type="checkbox"/>	Have you included a digital copy of the legal description, in Microsoft Word format, of the street, alley or subdivision you wish to have vacated? The description must be a boundary description, not a general description and you may have to seek the assistance of a registered land surveyor.
<input type="checkbox"/>	Have you circled whether the application is for a street, an alley, or a subdivision?
<input type="checkbox"/>	Have you listed the reason or reasons why you believe the street, alley or subdivision should be vacated? You may attach a separate sheet if you need more room. You should inform staff, before submission, if you plan to build over the vacated area.
<input type="checkbox"/>	Have you listed the names, addresses and legal descriptions of all property owners who abut the area to be vacated?
<input type="checkbox"/>	Have you listed the name, address and telephone number of the person who is to receive the bill for the advertising and whom Springfield Newspapers, Inc. and staff can contact with questions?
<input type="checkbox"/>	Have the owners of at least 2/3 of the abutting property signed the form? Has a notary public acknowledged each signature?
APPLICATION FEE:	
<input type="checkbox"/>	Have you determined your application fee from the Fee Schedule and entered it into the Fee Amount Paid box on page 1. (Fees are non-refundable) This fee can be paid when you submit the applicant on the City's Fee Payment site at this LINK .
<input type="checkbox"/>	Have you included the minimum recording fee?
DRAWING ILLUSTRATING AREA OF REQUEST:	
<input type="checkbox"/>	Included with the application must be a drawing showing the area proposed for vacation. The drawing must be sealed by a registered land surveyor.
NEIGHBORHOOD MEETING AND AFFIDAVIT:	
<input type="checkbox"/>	Have you read the attached policy regarding the neighborhood meeting on the page titled " Neighborhood Notification and Meeting Process? "
<input type="checkbox"/>	Have you read the attached policy requiring applicant to submit an affidavit for the neighborhood meeting? See page titled " Affidavit of Neighborhood Notification and Meeting. "
<input type="checkbox"/>	If you had the neighborhood meeting (500 foot) mailing list prepared by City staff, please pay fee.
POSTING OF NOTICES:	
<input type="checkbox"/>	Have you read the attached policy requiring applicants to post the hearing notices on the subject property?