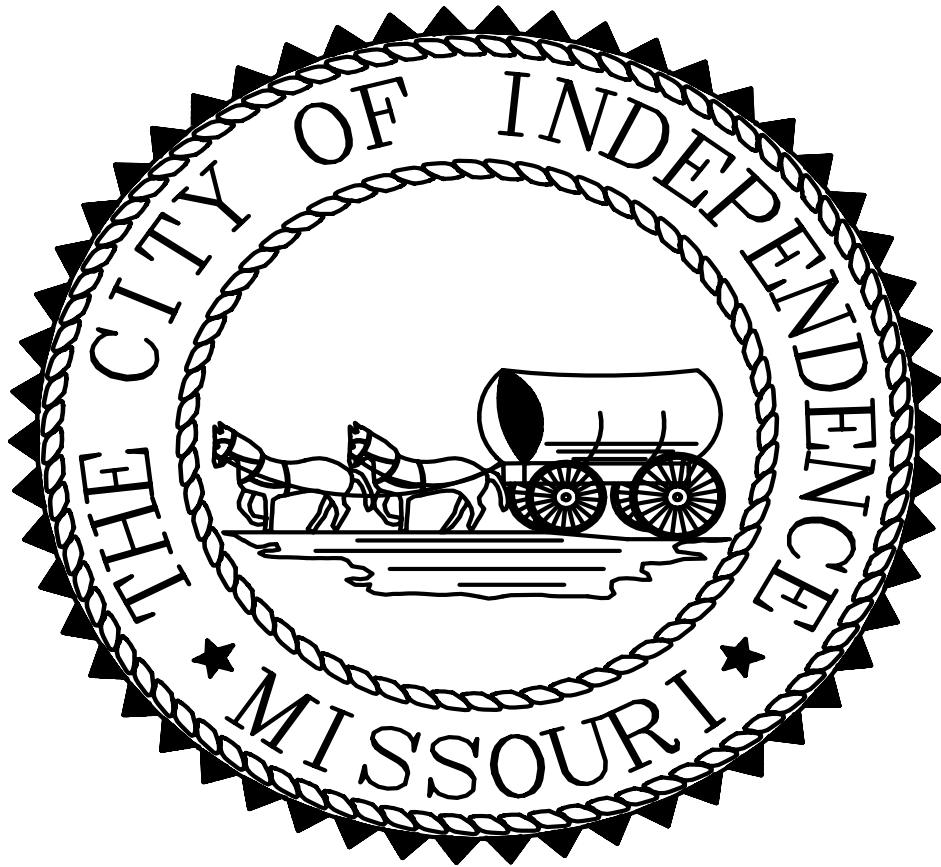


***VACATION OF PLATTED STREET,  
ALLEY OR UTILITY EASEMENT  
APPLICATION***



# APPLICATION PROCEDURES FOR THE VACATION OF A PLATTED STREET, ALLEY OR UTILITY EASEMENT

The following procedure must be followed for the vacation of a platted street, alley or utility easement. Streets, alleys or easements which are granted to the City by some other form of conveyance other than a plat, must seek vacation through the City's Public Works Department.

1. The applicant(s) must properly complete the attached form.
2. A fee of \$150.00 must be paid when the application is submitted. This fee is used to defray the costs of processing the application including placing the public notice in the local newspaper and court stenographer's fees.
3. The applicant must be accompanied by 45 copies of a plat (15 copies of 11X17) and 30 copies to be 8-1/2 X 11 (folding instructions are attached, if applicable) of the platted street, alley or easement to be vacated, drawn by an engineer or land surveyor, showing all adjoining property owners to the portion to be vacated. The plat should be drawn at a scale of 1" = 200'.
4. When applicant returns the completed application form to the Community Development Department, this office will set the date for the public hearing by the Planning Commission, (See attached matrix schedule) which must be at least fifteen days after a public notice of this hearing has been advertised in the local newspaper. The vacation of a platted utility easement does not require a formal public hearing before the Planning Commission as vacating streets or alleys, just a presentation and action by the Planning Commission and City Council.
5. A letter of explanation stating the details of the application and why the vacation is necessary.

APPLICATION FOR THE VACATION  
OF A PLATTED STREET, ALLEY  
OR UTILITY EASEMENT

TO: Planning and Zoning Commission  
City of Independence, Missouri

DATE: \_\_\_\_\_, 2005

It is hereby requested that the property known as (LEGAL DESCRIPTION)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_: latest deed to property recorded in BOOK \_\_\_\_\_  
PAGE \_\_\_\_\_ and represented on 45 copies of the attached plat of  
\_\_\_\_\_ (Street) (Alley) (Easement).

(I) (We) propose to use this property for the purpose of (State reason for vacating)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

There is enclosed herewith a \$150.00 fee payable to the *City of Independence* to cover the cost of newspaper advertising and other expenses of the public hearing.

(I) (We) hereby certify that (I), (we) (am) (are) the owner (owners) of the adjoining property above described.

\_\_\_\_\_  
Name (address) City,State, Zip

\_\_\_\_\_  
Name (address) City,State, Zip

\_\_\_\_\_  
Name (address) City,State, Zip

\_\_\_\_\_  
Agent's Name (address) City,State, Zip

\_\_\_\_\_  
Home Phone Work Phone Fax # Cell #

\_\_\_\_\_  
E-Mail address

## **General information about vacation procedures**

1. For the vacation of streets, alleys and requests for the vacation of platted utility easements, a public hearing is held by the Planning Commission after a notice is published in the newspaper at least 15 days prior to the meeting. At the Planning Commission meeting the applicant, (or his/her representative) should be available to answer questions about the application and provide any additional information, if required.
2. After the Planning Commission has taken action on the application, the case is forwarded to the City Council for final action. For streets and alleys, another public hearing is held before the City Council after a notice is again published in the newspaper. At the Council meeting, the applicant (or his/her representative) should be available to answer questions about the application and provide any additional information, if required. After the City Council conducts its hearing, the Council will give the approval ordinance one reading. At the Council's next business session, it will read the ordinance again and then vote on the vacation application.
3. Once finally approved, the City Clerk will record a certified copy of the approval ordinance with the Jackson County Recorder of Deeds office.

### **Some points to remember**

- The application fees cover the City's costs of advertising and notification, as required by State Law. As such, no refunds are made if a vacation application is denied.
- In some instances, such as when streets are vacated which contain existing utility services, the applicant may be required to pay for surveying costs to create easements for those existing utility lines.
- Some utility providers may seek private easements from the applicant conveyed to them to ensure they can provide services in the future, before the City Council considers the vacation ordinances.
- In some instances, a utility service provider may oppose a vacation application. If so, such opposition may negatively affect the chances of approval of the application.
- In some cases, staff may recommend denial of a vacation request if such vacation may negatively affect the future provision of services, access to properties, or the City's transportation network.

DISPOSITION (FOR OFFICE USE ONLY)

1. Filed with Community Development Department on \_\_\_\_\_, 2005.
2. Letters to Utility Companies on \_\_\_\_\_, 2005.
3. Replies from Utility Companies: (OK) (Requests)  
Public Works \_\_\_\_\_ ( ) ( )  
Power & Light \_\_\_\_\_ ( ) ( )  
Gas Company \_\_\_\_\_ ( ) ( )  
Missouri Water Co. \_\_\_\_\_ ( ) ( )
4. Advertising run on (15 days prior to hearing) \_\_\_\_\_, 2005
5. Letters to adjoining property owners \_\_\_\_\_, 2005
6. Mailed to Commission \_\_\_\_\_, 2005
7. Date of Commission Hearing \_\_\_\_\_, 2005
8. Staff Report by \_\_\_\_\_
9. Recommendation \_\_\_\_\_
10. Commission Ruling \_\_\_\_\_
11. Notes: \_\_\_\_\_
12. (If denied) to City Manager \_\_\_\_\_
13. (If approved) to Law Department \_\_\_\_\_, 2005
14. 2nd Reading of Council \_\_\_\_\_, 2005
15. Council Ruling \_\_\_\_\_, 2005
16. Returned to Planning \_\_\_\_\_, 2005
17. Letter to Applicant \_\_\_\_\_, 2005
18. Ordinance Number \_\_\_\_\_
19. Case Material on File Under \_\_\_\_\_