

**Division 13. Vacation of Streets And Rights-of-Way****Section IV-1301. Purpose and Applicability**

The purpose of this article is to establish a uniform procedure for the application to the City for the vacation of streets, rights-of-way, easements, and other nonfee interests of the City and to provide the methods and procedures for processing the applications.

**Section IV-1302. Application Requirements**

All requests for vacation of streets, rights-of-way, easements and other nonfee interests which the City may have in real property shall be made in writing upon an application form furnished by the City Auditor and Clerk's Office and shall require the following information:

- A. The name and address of the applicant;
- B. A general description of the street, right-of-way, easement or other nonfee interest of the City which the applicant seeks to have vacated and the location of same. Where possible, a legal description by metes and bounds shall be provided, which shall be accompanied by a map or drawing which also shows the general area involved and the location of the specific property interest to be abandoned;
- C. The reason for the request for a vacation;
- D. The names and addresses of the owners and occupants of real property abutting the street, right-of-way, easement or other nonfee interest of the City which the applicant seeks to have abandoned;
- E. The name and address of all public or private utility companies that may be involved or concerned with the vacation; and
- F. Such other relevant information as the City may require, including, but not limited to, evidence that a Neighborhood Workshop has been properly noticed and conducted pursuant to Division 2 of this article.

**Section IV-1303. Staff Review and Report**

The Planning Department shall review the vacation application and the comments of all members of the DRC, and shall prepare a written staff analysis of the issues raised by the application.

**Section IV-1304. Planning Board Review**

The Planning Board shall hold a public hearing and shall recommend approval with or without conditions or denial to the City Commission. Such conditions may include conditions precedent to the effective date of the street vacation.

**Section IV-1305. City Commission Review**

The City Commission shall consider the aforesaid reports and recommendations on applications for vacation, and shall, after public hearing, approve, approve with conditions or deny the application. Such conditions may include conditions precedent to the effective date of the street vacation.

**Section IV-1306. Standards for Review**

When considering an application for approval of a vacation, the DRC, the Planning Board and the City Commission shall consider:

- A. The benefit to the general public of the existing street, right-of-way, easement or nonfee interest;
- B. The rearrangement of streets, rights-of way, easements or nonfee interests which will be required to secure a regular and harmonious system for traffic circulation if the vacation is granted;
- C. Whether the street, right-of way, easement or nonfee interest has been improved, and the extent to which it is currently, or in the future will be, utilized by the general public;
- D. Whether the vacation is proposed in conjunction with an application for development approval for adjacent property; and
- E. Whether the proposed vacation is in the public interest.

(Ord. No. 00-4193 Sec. 8, 2-22-00)

**Section IV-1307. Changes to Vacations**

A vacation ordinance may be amended by adoption of a subsequent ordinance upon submission of a written application, provided the notice and public hearing requirements of Section IV-201 and 202 of these regulations are followed. The application shall address the necessity for the amendment and demonstrate compliance with the standards for review in section IV-1306, and shall demonstrate the amendment is warranted under the circumstances.

(Ord. No. 00-4193 Sec. 8, 2-22-00)

**Section IV-1308. Expiration or Revocation of Approval**

A vacation shall have no expiration date, unless otherwise specified in the approval.

(Ord. No. 00-4193 Sec. 8, 2-22-00)