



Town of Bluff Procedure for Street and/or Alley Right-of-Way Vacation

Authority

The process to vacate public street, alley, or right-of-way in the Town of Bluff is regulated by Utah Code 10-9a-609.5. Along with the requirements of state law, the Town requires specific steps to be followed in order to assure that interested persons receive notice and have the opportunity to comment regarding a proposed right-of-way vacation before final action by the Town Council. Interested persons are advised to review Town of Bluff Resolution 59, which contains information and a statement of the Town policy regarding existing public rights-of-way. Persons wishing to submit a road petition must comply with all relevant legal requirements; this document describes general procedures, and it does not supersede applicable laws.

General Procedure

The following is the general process for a typical right-of-way vacation:

- Petitioner submits a petition specific for the right-of-way to be vacated, signs the petition, and pays a \$250 application fee.
- The Town reviews the petition for accuracy and completeness.
- Petitioner notifies all utility companies and obtains their written response regarding right-of-way petition.
- The Planning and Zoning Commission reviews the application and all related documents and makes a recommendation to the Town Council along with a request to set a Public Hearing.
- The Notice of Public Hearing and exhibits are published in the newspaper twice prior to the public hearing date.
- Written notice of the petition and public hearing is mailed to adjacent landowners, posted on the property, and published on the Town and state websites.
- The public hearing for the proposed vacation is held at the Town Council meeting.
- If the Town Council approves the petition, an ordinance is enacted and recorded in the San Juan County land records.

Petition

1. A right-of-way vacation is initiated by a property owner preparing and completing a petition. The petition must be signed by all of the owners of the property requesting that the street or alley be vacated, who must attest to the facts presented on the petition.
2. The petition must include the following:
 - Metes and bounds legal description of the right-of-way to be vacated prepared by a surveyor or engineer, and sufficient for recording in the land records
 - A list of the names and addresses of the owners of all abutting properties
 - A list of the names, addresses, telephone numbers, and email addresses of each property owner submitting the petition
 - Signature and attestation of the truthfulness of all information in the petition signed by each property owner submitting the petition
 - A statement showing good cause for the proposed vacation
3. The filing fee of \$250 must be paid at the time the petition is submitted.

Other Required Documentation

1. The applicant must provide a scaled drawing of the proposed right-of-way to be vacated that conforms to the metes and bounds legal description of the area (this can either be in an Exhibit or Plat format, however **a plat is preferred**). The scaled drawing must be completed by a professional land surveyor or an engineer. The scaled drawing must show the proposed area to be vacated along with bearings and dimensions of vacation limits. The drawing must be drawn to Town plat standards, be accurate, and have sufficient information to be recorded in the county land records.
2. The scaled drawing must accurately show existing roads, buildings, fences, utilities, and similar improvements that exist in or are adjacent to the area proposed for vacation.
3. The applicant must provide written responses from all utility companies affected by the proposed vacation.
4. The petition must not result in any parcel of real property being cut off from access to a public road.

Utility or Private Easements Retained

Under normal circumstances, when the Town vacates right-of-way, an easement for public and private utilities is retained over the entire vacated area. If the petitioner desires to have the Town relinquish the utility easement, all utilities operating in the Town must be contacted to determine their need for the continued use of the right-of-way. The decision to vacate utility easements is committed to the discretion of the Town, which may approve or deny the request.

Supplementation of Information

The Town may require that the petitioner provide supplemental information if it is deemed necessary for the Town to review the matter.

Showing of Good Cause Required

The petitioner must show good cause for vacating the right-of-way and that neither the public interest nor any individual will be harmed by the vacation. Additionally, incorrect, misleading, or incomplete information provided in the petition may be good cause to deny the request.

Public Hearing

The petitioner must attend and participate in the public hearing by providing testimony, answering questions, or otherwise. Failure to attend the public hearing may result in the petition being denied.

Vesting of Title

If the Town vacates a right-of-way a new property boundary will be established down the center line of the vacated area, with title vesting in those parcels on either side of the centerline. The Town may vest title differently depending upon specific title circumstances affecting the subject property. An ordinance or plat describing the vacated area will be recorded in the county land records.



Town of Bluff Petition to Vacate a Street or Alley Right-of-Way

1) PETITION TO VACATE: (Name of the street within the limits of the vacation)

TO THE BLUFF TOWN COUNCIL:

The owners of real property in The Town of Bluff, Utah, petition the Council to vacate the (street or alley) described above.,

2) THE REASONS FOR THE REQUEST TO VACATE THE STREET ARE AS FOLLOWS:

An exhibit of the (street or alley) proposed to be vacated is attached and made a part of this petition.

We request that you have this petition filed, set a hearing date, and give notice of the time and place of the hearing as required by law. After the hearing, we request that you vacate the (street or alley) by ordinance as provided by law.

3) LEGAL DESCRIPTION OF AREA TO BE VACATED: (Print full legal description of property here or attach)

4) OWNERS OF REAL PROPERTY REQUESTING VACATION:

(Print full legal names, addresses, telephone numbers, and email addresses of all owners of record submitting this petition or attach additional pages if needed)

5) LISTING OF AFFECTED PROPERTY OWNERS: List the name and address of: i) each owner of record of land that is adjacent to the public street, right-of-way, or easement; ii) each owner of record whose exclusive means of access is the public street, right-of-way or easement; and iii) each owner of record whose property is located within 300 feet of the public is street, right-of-way, or easement (attach additional pages). Note: should the applicant provide an incomplete or inaccurate listing of affected property owners that may be a reason for denial of the petition.

6) IDENTIFY ALL UTILITIES LOCATED IN THE AREA PROPOSED FOR VACATION:
(attach additional pages if needed)

7) SIGNATURES OF PETITIONERS: We, the undersigned Petitioners, state that: i) the foregoing petition to vacate and the information provided herein is true and accurate to the best of our knowledge, information, and belief; and ii) we will be responsible for payment of all application fees, recording charges, and document preparation charges incurred by the Town of Bluff in connection with this petition.

(OWNER—SIGNATURE(S))

Date

(OWNER—SIGNATURE(S))

Date

(OWNER—SIGNATURE(S))

Date

(OWNER—SIGNATURE(S))

Date

Letter to Utilities

Date:

To: Utility Company Representative

We are requesting the Town of Bluff vacate the street/alley right-of-way identified on the attached exhibit. When vacating a street/alley, the Town reserves the entire right-of-way as an easement if no request has been made to remove the easement. Please review the enclosed exhibit. If you have facilities that are located within the right-of-way that must remain there, please let us know so a new easement can be created or the utility can be relocated. If you do not have, nor plan on having facilities located within this right-of-way, please let us know also. All costs associated with easement drawings and/or facility relocation will be the responsibility of the petitioner.

Please return this form by mail or email to our address after furnishing the requested information. If you have any questions or concerns about the proposed vacation, please contact us.

Thank you for your assistance.

Name of Utility Company:

Utility Contact Person:

Address:

Telephone Number:

- We have no facilities in the proposed vacated right-of-way.
- We need to maintain an easement for our facilities in the current location.
- Arrangements need to be made for relocation of our facilities.

Utility Contact: _____ Date: _____

Signature: _____

Comments:

Attach separate sheet for additional comments: Please return to

Name:

Address:

Email Address:

Phone Number:



Town of Bluff Right-of-Way Vacation Check List

Petition:

- Petition completed with signatures of correct owners and legal descriptions
- List of all owners of adjacent properties
- Petition completed by petitioner including name, address, telephone number and email address

Release of easement (If applicable):

- All utilities contacted
- Comments/concerns received from all contacted utilities
- Petitioner addressed concerns, relocations, easements with utility providers

Documentation required for processing petition by Town:

- Original signed petition
- Utility comment sheets and resolutions to any conflicts (If applicable)
- Map/Exhibits for proposed vacation
- Filing Fee - \$250.00

Important Dates:

Date turned into Town Recorder: _____

Planning Commission Review (Petitioner must be present) Date: _____

First Reading (Council sets hearing date) Date: _____

Date of Public Hearing (Petitioner must be present at Council meeting) Date: _____

Dates of Publication: _____

(publication at least ten days before public hearing)

Dates of Notice to Third Parties: _____

(notice of public hearing must be mailed to adjacent landowners, affected entities at least ten days before the public hearing. Additionally, within the same time period, notice must be: i) posted in sign form on the subject property; ii) posted on the Town website; and iii) posted on the Utah Public Notice Website.