

## City Planning & Development Department Development Management Division

15th Floor, City Hall 414 East 12th Street Kansas City, Missouri 64106-2795

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## How to Request Vacation of a Street, Alley or Plat

The City frequently is asked to abandon a public right-of-way, recorded plat or public utility easement so the land can be put to another use. The process, accomplished by city ordinance, is called vacation. The vacation of streets, alleys and plats is done under the authority of the City Council following review by several City Departments and private utilities and approval of the City Plan Commission. Vacation of public utility easements is administered by the Public Works Department.

The requests normally are approved if no affected agency or property owner objects and if the City has no use for the land under consideration.

If you are seeking the vacation of a public utility easement, you can write to the City Engineer in the Public Works Department, 18th floor, City Hall, 414 E. 12th St., Kansas City, Mo., 64106 (telephone 8l6-513-2627). You can also view the Public Works Department website for further information.

In the letter, identify yourself, give the location of the proposed vacation site, and explain why you are seeking the vacation. If the Public Works Department has no immediate objection, you will get a letter or telephone call instructing you to obtain letters from certain utilities in which the utilities state that they are not using the easement and foresee no use for it. Once you return these letters to the Public Works Department, they will prepare an ordinance -- which must be passed by the City Council -- to vacate the easement.

The following steps apply to applications for vacation of a street, alley or plat:

- A. For the vacation of either a street, alley or plat, write to the City Planning and Development Department, 15th floor, City Hall, 414 E. 12th St., Kansas City, Mo., 64106 (telephone 816-513-2846) to obtain an application form. Complete the application and return it to the City along with a sketch showing in detail where the proposed vacation site is and a brief statement as to why the vacation is being requested. A preliminary review of your application will be made, after which you will receive a petition form for vacation, a consent form and various agency approval forms that must be filled out and returned before further action by the city will be undertaken. A preliminary cost estimate for the fees that will be charged by the city also will be sent. Currently, the average fee for a vacation is between \$650.00 and \$700.00.
- B. The petition for vacation must be notarized and contain the legal description of all property adjoining the proposed vacation site. You must furnish this information. Possible sources are title companies, your county courthouse or the real estate section of the Finance Department, 2nd floor, City Hall (telephone 816-513-1173).
- C. The consent form must contain a list of legal descriptions and owners of record of all property abutting the street or alley to be vacated or within the plat to be vacated. The signatures of all owners consenting to the vacation must be notarized. Additional forms will be provided if necessary. You are responsible for proper completion of the form. Note that signature blanks draw a distinction between individuals, corporations and other entities, and should be signed accordingly.
  - The owners of at least 75 percent of the property abutting the street or alley to be vacated must consent to the vacation before it can be processed further. No street or alley vacation can be approved if it would completely eliminate access to a lot in separate ownership or access to a dedicated street or alley.
- D. You must obtain responses from each of the following: Kansas City Power and Light, Missouri Public Service, Missouri Gas Energy, AT&T, Time Warner Cable, and the city's Water Services, Public Works and Fire departments. You also must comply with special requirements of the reviewing agencies. For example, you may be asked to grant one or more of them easement rights. An application will not be

- processed without agency review, and the application will not be approved by the city over the objections of a utility or affected agency. It is a good idea to hand-carry the forms to the agencies for their signatures and comments. You must sign each form.
- E. Once all of the required forms (petition, consent and agency approval forms) have been completed, send them to the City Planning and Development Department, 15th floor, City Hall, Kansas City, Mo. 64106, along with a check for the required fee, made payable to "City Treasurer."
- F. The City Plan Commission will hold a public hearing to review your request and will hear recommendations from appropriate staff members. You or your appointed representative must be present at this hearing, and should bring any materials you may have in support of the request. Any person affected by the proposed vacation will be given an opportunity to speak at this hearing.
  - The City Plan Commission will then make a recommendation. It may include conditions that must be complied with before your application can be processed further. These usually involve granting easements to utilities and city agencies. It is your responsibility to see that letters from utilities and city agencies indicating unconditional consent are sent to the City Development Department.
- G. Upon the recommendation of the City Plan Commission, an ordinance will be prepared. The city clerk will arrange for publication of the ordinance in a legal publication on 15 of 20 consecutive business days. After that time, the ordinance will be introduced at a City Council meeting and will be referred to the council's Planning, Zoning and Economic Development Committee for a hearing. You should be present at this hearing. You will be notified of the time, date and place.
- H. After you attend the Planning, Zoning and Economic Development Committee hearing, no further action is required on your part. Ten days following favorable City Council action, recording of the vacation will begin in the records of the appropriate county recorder. The recording process usually takes a week to a month, depending upon the county government involved.

If the vacation request is denied, you have the option of submitting a revised proposal to the City Plan Commission or filing a court action against the city.