



PLANNING & DEVELOPMENT SERVICES  
PO Box 4169, 911 North Seventh Avenue  
Pocatello, Idaho 83205  
(208)234-6184 FAX (208)234-6586

**PETITION FOR VACATION OF EASEMENT**

Submittal Date: \_\_\_\_\_ Council date: \_\_\_\_\_ Permit #: \_\_\_\_\_

Approved by: \_\_\_\_\_ Receipt #: \_\_\_\_\_ Receipt Date: \_\_\_\_\_

Filing Fee \$535 + ( \_\_\_\_\_ addresses X \$7.25 = \$ \_\_\_\_\_ ) + Survey Accuracy Review \$200 = Total Due \$ \_\_\_\_\_

*Dates for public hearing or Council consideration will not be scheduled until design plan review approval has been received.*

General Site Location: \_\_\_\_\_

Complete Legal Description: \_\_\_\_\_

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

Petitioner's Name(s)	Address(es)	Phone Number(s)
_____	_____	_____
_____	_____	_____

**THE FOLLOWING INFORMATION MUST ACCOMPANY THIS APPLICATION TO BE COMPLETE**

1. A complete legal description of the parcel to be vacated, signed off, and verified by the City Surveyor prior to the filing of this petition. This description must match the site map required in #2 below. Legal descriptions should be prepared by a licensed surveyor to avoid possible delays in the petition process.
2. A site map of the area to be vacated, as well as plat of adjoining parcels.
3. The written consent of property owners adjacent to a proposed vacation must accompany this application (I.C. 50-1321) unless the petitioners own "2/3 or more or the property abutting upon such street when such street has not been opened or used by the public for a period of five (5) years and when such nonconsenting owners have access to their property from some other public highway." **A title report, property deed, or other legal documentation of ownership of the site in question, whether freehold, option or lease, must be submitted.**
4. A written analysis of your request explaining the reason for vacating and the original purpose of the easement must accompany this application.
5. **Three sets of typed**, gummed mailing labels with all of the names and addresses of the property owners within a 300 foot radius of the subject property. A charge of \$7.25 per property owner and resident is required.
6. A signed Affidavit of Mailing List must also be submitted (attached).

The request will appear before the City Council approximately three-four weeks after submission of an application. The Council may grant the request to vacate with such restrictions as they deem necessary in the public interest. It will also take several more weeks after City Council approval for the ordinance adoption procedure.

TEXT OF IDAHO CODE 50-1306A (partial): "Written notice of public hearing on said petition shall be given by certified mail with return receipt, at least ten (10) days prior to the date of public hearing to all property owners within three hundred (300) feet of the boundaries of the area described in the petition. Such notice of public hearing shall also be published once a week for two (2) successive weeks in the official newspaper of the city, the last of which shall no be less than seven (7) days prior to the date of said hearing. . ." **All publication costs shall be at the expense of the petitioner.**

The approval of this application does not permit the violation of any federal or state codes, any section of the Building Code, or other Pocatello Municipal Codes as adopted. Approval of this land use permit does not exempt applicant from the provisions of the federal Fair Housing Act or ADA requirements. Further, other conditions, requirements, etc. may be imposed as part of the building permit process.

This application shall not be considered complete (nor will a hearing before the City Council be scheduled) until all required information has been submitted and verified.

I hereby acknowledge that I have read this application, and state that the above information is correct and agree to the above terms and conditions. I am also aware the petitioner or a representative must be present at the public hearing.

Signature of Petitioners: \_\_\_\_\_ Date \_\_\_\_\_  
 \_\_\_\_\_ Date \_\_\_\_\_  
 \_\_\_\_\_ Date \_\_\_\_\_

**SIGN-OFF: PUBLIC UTILITIES AND CITY DEPARTMENTS**

Indicate below your departments or firm's approval or disapproval of the proposed vacation.

UTILITIES	APPROVAL Initial/Date	* APPROVAL W/ COND. Initial/Date	* REJECTION Initial/Date
US Postal Service			
Intermountain Gas			
Idaho Power			
Century Link			
Cable One			
<b>DEPARTMENTS</b>			
Streets/Traffic Engineering			
Engineering			
Transportation			
Water			
Building			
Fire			
Sanitation			
P&DS			
BPO			
ITD (if necessary)			
City Surveyor		Verify legal description for ordinance	
Legal		Proceed with ordinance compilation	

\*Please note any conditions or reasons for rejection: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



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**AFFIDAVIT OF MAILING LIST – PETITION FOR VACATION OF EASMENT**

1. The undersigned is the applicant, agent, engineer, or surveyor representing the applicant.
2. It is understood that the City of Pocatello requires the applicant to provide three sets of mailing labels of all the property owners of record located within 300 feet of the boundaries of the project site and \$7.25 fee per address. The list shall be based on the most current equalized assessment rolls of County of Bannock. This list and fee will be used to send one notice, by certified mail, of the public hearing required to process the application.
3. This is to certify that the persons named, together with their addresses as shown on the project mailing list attached herewith, are all the owners of property situated within 300 feet of the property, as their said names and addresses are set forth on the latest equalized assessment rolls of the County of Bannock.
4. The foregoing is true under penalty of perjury.

Date: \_\_\_\_\_

Name (please print): \_\_\_\_\_

Street Address: \_\_\_\_\_

City, ST, Zip: \_\_\_\_\_

Email: \_\_\_\_\_

Signature: \_\_\_\_\_