



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

PETITION FOR VACATION OF RIGHT-OF-WAY

Submittal Date: _____ Council Date: _____ Permit #: _____

Submittal Approved by: _____ Receipt #: _____ Receipt Date: _____

Filing Fee: \$535.00 + (_____)Addresses X \$ _____ = \$ _____ + \$ _____ Publication = **Total Due \$ _____**

A pre-application meeting is required prior to the submittal of this application in order to determine the type of vacation request and required notices, mailings, fees and hearing procedures.

Petitioner's Name:

Representative's Name (if applicable):

Name: _____

Name: _____

Mailing address: _____

Mailing address: _____

City, State, Zip: _____

City, State, Zip: _____

Phone: _____

Phone: _____

Email: _____

Email: _____

General Site Location: _____

THE FOLLOWING INFORMATION MUST ACCOMPANY THIS APPLICATION TO BE COMPLETE

1. Vacations of public rights-of-way are subject to compliance with Pocatello City Council Resolution Number 2016-11 adopted on August 18, 2016 (copy attached).
2. Review of vacation petitions is subject to compliance with the applicable provisions Idaho Statutes.
3. The petitioner is responsible for providing all required information in support of the petition and has the sole burden of proof and must provide specific responses to the attached review standards.
4. A complete legal description of the right-of-way proposed to be vacated and a copy of the recorded subdivision plat documenting the dedication and acceptance of the right-of-way or other applicable documentation. Legal descriptions and exhibit maps should be prepared by a licensed surveyor to avoid possible delays in the petition process. Legal descriptions will be verified by the City Surveyor prior to the petition being scheduled for full staff review and the City Council hearing.
5. Typed, gummed mailing labels with the names and addresses of the property owners, as shown on current County Assessor tax records, as required by the type of vacation petition. This may include all the property owners of record abutting the proposed right-of-way vacation and property owners within 300' of the boundary of the proposed right-of-way vacation. Some types of vacation requests require mailing by certified mail with return receipts.
6. A signed Affidavit of Mailing List must also be submitted (attached).
7. All publication costs will be at the expense of the petitioner.
8. Depending on the type of vacation request, written consent from all adjoining property owners of record that adjoin the proposed right-of-way vacation must be submitted with the petition.
9. This petition 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 petition form, and state that the information that I have provided is correct. I am also aware the petitioner or a duly authorized representative must be present at the public hearing.

Signature of Petitioner: _____ Date: _____

Signature of Representative: _____ Date: _____

REVIEW STANDARDS PER COUNCIL RESOLUTION 2016-11:

The petitioner must provide specific responses to the following standards:

1. Describe why the requested vacation is expedient for the public good: _____

2. Identify any “damages” that the City may incur as a result of the requested vacation and describe any proposed terms and conditions for mitigating any “damages”: _____

3. Describe the requested manner of reversion of the requested vacated area and how it is in the best interests of the adjoining property owners: _____

4. Explain why granting the requested vacation will not impair the rights of any lot owner or public utility: _____

5. Please provide any additional information that you feel is applicable to this petition: _____

RESOLUTION NO. 2016-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POCA TELLO, ESTABLISHING A PROCESS FOR THE VACATION OF PUBLIC RIGHTS-OF-WAY, AND REPEALING THE PROCESSES PREVIOUSLY SET BY RESOLUTION NO. 1998-26 AND RESOLUTION NO. 1999-34, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, there has been cause for the City Council to reconsider the previous processes and valuation procedures for rights-of-way vacation petitions based on the provisions of Idaho Code Title 50, Chapter 3, Section 311; and

WHEREAS, Idaho Code Section 50-311 empowers the City to "create, open, widen or extend any street, avenue, alley lane, annul, vacate or discontinue the same whenever deemed expedient for the public good"; and

WHEREAS, Idaho Code Section 50-311 regarding the "Vacation of Streets" and the "Reversion of Vacated Streets" provides the City Council with the responsibility to determine the amount of damages resulting from the vacation of any street, avenue, alley or lane; and

WHEREAS, Idaho Code Section 50-311 provides further that whenever any street, avenue, alley or lane is vacated, the same shall revert to the owner of the adjacent real estate, one-half(1/2) on each side thereof, or as the City Council deems in the best interests of the adjoining properties, but the rights-of-way, easements and franchise rights of any lot owner or public utility shall not be impaired thereby; and

WHEREAS, the City Council has determined that the best means of evaluating the potential damages and the appropriate terms and conditions for mitigating the same, if any, will be through a case-by-case detailed review of the circumstances, conditions and benefit to the public good regarding said vacation; and

WHEREAS, the City Council shall consider a petition for vacation submitted in a form containing required information and with required fees at a public hearing. All fees and costs associated with a petition for vacation shall be the responsibility of the Petitioner; and

NOW, THEREFORE, BE IT RESOLVED THAT THE POCA TELLO CITY COUNCIL SHALL:

1. Determine if the requested vacation is deemed expedient for the public good; and
2. Determine the terms and conditions for mitigating any damages; and
3. Determine the manner of reversion of the vacated area as the Council deems is in the best interests of the adjoining properties; and
4. Determine that granting the request will not impair the rights of any lot owner or public utility; and
5. Render a decision and reduce said decision to writing and provide required notices and recordings as required by Idaho Code; and
6. Repeal Resolutions 1998-26 and 1999-34 as they are no longer being applied to the vacation process.

This Resolution shall become effective after its passage and will sunset upon the adoption of a revised Pocatello Municipal Code Title 17, "Zoning Regulation", which incorporates the process hereby approved by the City Council.

RESOLVED this 18th day of August, 2016.

CITY OF POCA TELLO, a municipal corporation



BRIAN C. BLAD, Mayor

ATTEST: 

RUTH E. WHITWORTH, City Clerk



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AFFIDAVIT OF MAILING LIST

1. The undersigned is the Petitioner or their duly authorized representative.
2. It is understood that the Petitioner is required and responsible for providing mailing labels of all the property owners of record, as shown on County Assessor tax records, as required by the type of vacation petition. The mailing labels and fee will be used to mail notices of the public hearing as required by the type of vacation petition.
3. This is to certify that the persons named, together with their addresses as shown on the mailing labels attached herewith, are all property owners of record required to receive notice of the petition to vacate the area described in the petition.
4. The foregoing is true under penalty of perjury.

Printed Name: _____

Street Address: _____

City, State, Zip: _____

Signature: _____

Dated: _____