



Millard County Commission

50 South Main
 Fillmore, UT 84631-5504
 Fax: (435) 743-8019
 Secretary: (435) 743-6223
 Fax: (435) 743-6923

www.millardcounty.org

(This box for office use only)
 Date application received:
 Fee: \$ 225.00 + \$1.80 per word of legal description
 Fee Paid:
 Staff Assigned:
 Application Determined to be Complete:
 BOCC Agenda Date:

PETITION TO VACATE a STREET, PUBLIC RIGHT-OF-WAY or EASEMENT

Filing Instructions

- A. Petition must be typewritten or neatly printed.
- B. This petition is to vacate some or all of a public street, right-of-way, or easement.
- C. Incomplete applications will be returned, all fees are non-refundable.

Business Information

APPLICANT INFORMATION	
Name	Phone
Address	Other Phone
	Fax
City, State, Zip	e-mail

OWNER INFORMATION	
Name	Phone
Address	Other Phone
	Fax
City, State, Zip	e-mail

Use separate sheet to list additional Applicants or Owners

Fee Amount: \$	(\$225 + \$.90/word of legal description)
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PROJECT DESCRIPTION
Description of Proposed Project:

PROPERTY and VICINITY DESCRIPTION	
Parcel Number	Property Size (in acres)
Serial Number	Number of Parcels
County Address and/or General Location of Property	

The following information should be provided when petitioning for vacating a street, right-of-way, or easement:

- (1) A petition to vacate some or all of a public street, right-of-way, or easement shall include:
 - (a) the name and address of each owner of record of land that is:
 - (i) adjacent to the public street, right-of-way, or easement; or
 - (ii) accessed exclusively by or within 300 feet of the public street, right-of-way, or easement; and
 - (b) the signature of each owner under Subsection (1) (a) who consents to the vacation.
- (2) If a petition is submitted containing a request to vacate some or all of a street, right-of-way, or easement, the legislative body shall hold a public hearing in accordance with Section [17-27a-208](#) and determine whether:
 - (a) good cause exists for the vacation; and
 - (b) the public interest or any person will be materially injured by the proposed vacation.
- (3) The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:
 - (a) good cause exists for the vacation; and
 - (b) neither the public interest nor any person will be materially injured by the vacation.
- (4) If the legislative body adopts an ordinance vacating some or all of a public street, right-of-way, or easement, the legislative body shall ensure that one or both of the following is recorded in the office of the recorder of the county in which the land is located:
 - (a) a plat reflecting the vacation; or
 - (b) an ordinance described in Subsection (3).
- (5) The action of the legislative body vacating some or all of a street, right-of-way, or easement that has been dedicated to public use:
 - (a) operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the county's fee in the vacated street, right-of-way, or easement; and
 - (b) may not be construed to impair:
 - (i) any right-of-way or easement of any lot owner; or
 - (ii) the franchise rights of any public utility.

Pursuant to UCA 17-27a-609.5

√	SUBMITTAL REQUIREMENTS	
Application	One original and four copies of this application which must contain an original signature of the owner/applicant.	
Site Plan	Five (5) copies of the proposed site plan on paper no larger than 11x17. Each plan submitted should represent the entire property and all proposed uses. Staff may request more specific information, but typical applications will require the following information: <ol style="list-style-type: none"> 1. name and correct address of any proposed developments 2. location and name of the street(s) 3. property boundaries showing all property dimensions 4. locations, current uses and ownership of all abutting properties 5. location of driveway(s) should be clearly shown, with dimensions 6. proposed and existing parking areas, lighting, and landscaped areas 7. location of existing or proposed fences 8. plans for utility provisions 9. locations of existing or proposed accessory structures 10. locations of existing and proposed signs 	
Fees	A non-refundable administrative fee in the amount of \$225.00 plus \$.90 per word (eighty cents per word for publication of the required public hearing notices must accompany this application.)	
Names & Addresses	Petition to vacate some or all of a public street, right-of-way, or easement shall include: <ul style="list-style-type: none"> b) the name and address of each owner of record of land that is <ul style="list-style-type: none"> (i) adjacent to the public street, right-of-way, or easement; or (ii) accessed exclusively by or within 300 feet of the public street, right-of-way, or easement; and (c) the signature of each owner who consents to the vacation. 	

Applicant Signature

Date

Applicant Signature

Date

State of _____
County of _____

On this _____ day of _____, _____. Personally appeared before me, _____, personally know to me or whose identity has been satisfactorily established to me, who duly acknowledged to me that he/she is the authorized signer of the above instrument, who duly acknowledged that he executed the same.

Given under my seal this _____ day of _____, _____.

My commission expires _____

This section is for office use only

Board of County Commissioner Findings

The legislative body finds that:

- (a) good cause exists for the vacation; and
 - (b) neither the public interest nor any person will be materially injured by the vacation
- (§17-27a-609.5(3) (a) and (b)).*

Board of County Commissioners Action

Approved Denied Date of Action

Staff Action

- Vacation Plat or a copy of the ordinance recorded with the Millard County Recorder for street vacation to take effect.
- Verify that no existing "right-of-way or easement of any lot owner or any franchise rights of any public utility" will be affected