



## Applicant Checklist for Request to Vacate Street/Alley

RV-1/6

1. A request to vacate street/alley application package is available from the Community Planning and Development Department. The application shall be completed in full with the appropriate fee to this office. The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday
2. The application package consists of one (1) applicant checklist, one (1) application form, one [1] petition to vacate a street/alley, and one (1) review guidelines form.
3. The application shall include a written explanation for vacating the street/alley.
4. The Planning Commission shall consider the impact of the proposed request on adjacent properties; whether the health, safety, and general welfare is adequately protected; and whether the precedent will adversely affect the long-term development policies of the city.
5. No use of the right-of-way can commence by adjacent properties until the resolution vacating the right-of-way has been issued.
6. Following certification of the resolution vacating the right-of-way, maintenance, repair, and liability shall be the responsibility of property owners adjacent to the former right-of-way and not the responsibility or liability of the city.
7. It is your responsibility to ensure that the application is complete. An incomplete application may take additional review time. You are also responsible for reviewing the appropriate sections of the city's revised street vacation policy dated March 20, 1992.
8. The application and blank petition shall be returned to the Community Planning and Development Department for conveyance to the Assessor's Office. Within one [1] week, the Assessor shall complete the following and return the application and petition to the applicant"
  - a. Determine if the property requested to be vacated is public or private. [If the property is private, no City Commission action is required; it will be necessary for the petitioner to contact the private party.]
  - b. Place the legal description on the petition. [Engineering will assist with this task if requested.]
  - c. Provide the applicant with a list of all owners of record for each lot or parcel abutting the property requested for vacation, including the names of any land contract purchasers of record.
  - d. Provide the applicant with a plat map showing the property requested for vacation and the abutting properties.
9. It will be the responsibility of the applicant to review the records of the Kalamazoo County Register of Deeds to confirm that the names of the persons with interest in the affected parcels, as supplied by the Assessor's Office, are complete and accurate. In lieu of searching the records, the applicant may request a search by a title company. **If a title company is used, they will charge for the title search.** [Failure to list all persons with interest in the affected properties may invalidate the petition].
10. The applicant will obtain signatures of the above-named title owners of record for each lot or parcel abutting the right-of-way requested to be vacated.
  - a. Signatures must be in the name of each individual with an interest; i.e., not Mr. And Mrs. Doe.
  - b. The Chief Executive Officer or authorized person must sign on behalf of a corporation.
  - c. If an abutting property owner cannot/will not sign the petition, the applicant shall ask the person to submit a letter explaining why she/he opposed the proposed vacation.
11. The applicant will then return to the Community Planning and Development Department:
  - a. The completed application.
  - b. The signed petition.
  - c. An affidavit concerning the verification of property owners of title.
  - d. A map showing the street/alley to be vacated, including all abutting lots and parcels.
  - e. A legal description of the property to be vacated.
  - f. If available, letter[s] from those property owners abutting the proposed vacation explaining why they are opposed to the request.
  - g. Non-refundable application fee.
12. Planning Commission meetings are held on the first Thursday of every month, beginning at 7:00 p.m.
13. As a general rule, your application must be received by the Community Planning and Development Department at **least** four [4] weeks prior to the Planning Commission meeting.
14. You are expected to attend the Planning Commission meeting.
15. It is your responsibility to review the appropriate sections of the Zoning Ordinance, including Chapter IXA.
16. The City Commission has the final authority on a vacation request.



# Application for Vacating a Public Right-of-Way (Street/Alley)

Fully completed application, fee, and all related documents must be returned to the Community Planning and Development Department at least four (4) weeks prior to the Planning Commission Meeting.

Please Include the \$  Fee

RV-2/6

\*\*\*Return to the Community Planning and Development Department, 415 Stockbridge Avenue, Kalamazoo, MI 49001\*\*\*

### A. Applicant Information

Name of Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Fax \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

### B. Property Information

Street or alley name \_\_\_\_\_  
This property is located between \_\_\_\_\_ street  
and \_\_\_\_\_ street.

Number of acres \_\_\_\_\_

Legal Description of R.O.W. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### C. Purpose of Request [describe briefly the nature of your request] \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_

### D. Attachments [10 copies]

- Map Showing R.O.W. and adjacent properties
- Affidavit of Verification
- Petition Form
- Letters from property owners in opposition
- Legal description of R.O.W. to be vacated

### E. Disclosure of Consequences

It is understood by the undersigned, if the requested street/alley is vacated:

1. Title to the street/alley shall rest with the property owner[s] of the lots abutting the vacated property.
2. The vacated property will be placed on the city assessment roles for the purpose of taxation.
3. The city and other legitimate utility companies will reserve an easement for public utilities on the vacated property.

*This application shall be completed in full and accompanied by all supporting data and the application fee before it will be accepted by the City of Kalamazoo.*

\_\_\_\_\_  
Signature of Applicant Date

\_\_\_\_\_  
Signature of Owner (if different than applicant) Date

# Petition to Vacate a Street/Alley to the Mayor and City Commission of the City of Kalamazoo, Michigan

RV-3/6

We, the undersigned owners of property abutting [legal description to be completed by the City Assessor],

\_\_\_\_\_ between [describe location clearly] \_\_\_\_\_

\_\_\_\_\_ hereby respectfully request the City Commission to vacate the [street] [alley] at the location stated. IT IS UNDERSTOOD BY THE UNDERSIGNED, IF THE REQUESTED STREET/ALLEY IS VACATED:

1. Title to the Street/Alley shall rest with the property owner[s] of the lots abutting the vacated property.
2. The vacated property will be placed on the city's assessment roles for purposes of taxation.
3. The city and other legitimate utility companies will reserve an easement for public utilities on the vacated property.

Respectfully submitted,

Property address.....	Petition Signer/Date.....
Current title holder.....	Signer print name.....
Property address.....	Petition Signer/Date.....
Current title holder.....	Signer print name.....
Property address.....	Petition Signer/Date.....
Current title holder.....	Signer print name.....
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Property address.....	Petition Signer/Date.....
Current title holder.....	Signer print name.....



## Review Guidelines for Vacating a Public Right-of-Way (Street/Alley)

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**RV-4/6**

- A. Within one [1] week, the Assessor shall complete the following and return the application and petition to the applicant:**
1. Determine if the property requested to be vacated is public or private. [If the property is private, no City Commission action is required; it will be necessary for the petitioner to contact the private party.];
  2. Place the legal description on the petition. [The city's Engineering Division will assist the applicant with this task if requested.];
  3. Provide the applicant with a list of all owners of record for each lot or parcel abutting the property requested for vacation, including the names of any land contract purchasers of record;
  4. Provide the applicant with a plat map showing the property requested for vacation and the abutting properties.
  - 5.
- B. It will be the responsibility of the applicant to review the records of the Kalamazoo County Register of Deeds to confirm the names of the persons with interest in the affected parcels, as supplied by the Assessor's Office, are complete and accurate. In lieu of searching the records, the applicant may request a search by a title company. If a title company is used, they will charge for the title search.**  
[Failure to list all persons with interest in the affected properties may invalidate the petition.]
- C. The applicant will obtain signatures of the above named title owners of record for each lot or parcel abutting the right-of-way requested to be vacated.**
1. Signatures must be in the name of each individual with an interest; i.e., not Mr. and Mrs. Doe;
  2. The Chief Executive Officer or authorized person must sign on behalf of a corporation;
  3. If an abutting property owner cannot/will not sign the petition, the applicant shall ask the person to submit a letter explaining why he/she opposed the proposed vacation.
- D. The applicant will then return to the Community Planning and Development Department:**
1. The completed application;
  2. The signed petition;
  3. An affidavit concerning the verification of the property owners of title;
  4. A map showing the street/alley requested to be vacated, including all abutting lots and parcels;
  5. A legal description of the property to be vacated;
  6. If available, letter[s] from those property owners abutting the proposed vacation explaining why they are opposed to the request;
  7. Non-refundable application fee.



# Street/Alley Vacation Checklist

For Staff Use Only

RV-5/6

**A. Location of Street/Alley** .....

Street or alley name.....

The street/alley is located between.....street  
and .....street.

**B. Purpose for Vacating**.....

.....

### C. Recording Dates

Staff/Applicant conference.....

Application received.....

Application..... Fee: \$

List of abutting property owners and map provided to the applicant.....

Application and signed petition received.....

Field check and photograph.....

Staff Report.....

Review committee distribution.....

Review committee meeting.....

Letter to applicant.....

Legal notice and area map to newspaper.....

Legal notice and map published.....

Notification of date, time, and place of public hearing and map mailed to applicant, property owners, neighborhood organizations, and utilities within 300 feet sent 15 days prior to public hearing.....

Planning Commission distribution.....

Planning Commission public hearing.....

Letter to applicant on action taken.....

Recommendation to vacate .....

Conditions imposed.....

Provide City Clerk with mailing list, public hearing notice, and map.....

Notification of date, time, and place of public hearing and map mailed to applicant, property owners, neighborhood organizations, and utilities within 300 feet sent 15 days prior to public hearing.....

City Commission meeting.....

Action taken..... Vote.....

Letter to applicant on action taken.....

City Clerk send memo to city departments regarding City Commission action [Public Works, Community Planning and Development, Public Utilities City Assessor, Public Safety].....

City Clerk certify and record resolution and map with Kalamazoo County Register of Deeds.....

Distribution:.....

Date:
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Date:
Date:
Date:
Date:

Date:
No. Sent
No. Returned
Date:
Date:
Date:
Yes:      No:
Yes:      No:
Date:

Date:
No. Sent
No. Returned

Date:
Date:
Date:

Date:
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Date:
Date:



# Statement of Action/Petition Decision

For Staff Use Only

RV-6/6

**A. Applicant Information**

Name of Applicant \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Owner of Parcel (if different from applicant) \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Description of area to be vacated \_\_\_\_\_

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

**B. Your request for a Street/Alley Vacation Permit has been reviewed and approved/denied on by the Kalamazoo City Commission on.....**

Conditions, if any \_\_\_\_\_

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

**C. The street/alley vacation described above becomes effective on.....**

Additional comments \_\_\_\_\_

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

*The signature below shall attest to the fact that a street/alley vacation request has been reviewed by the Kalamazoo City Commission as requested by the applicant whose name appears above.*

\_\_\_\_\_  
City Planner Date