EASEMENT VACATION

GUIDE TO VACATING AN EASEMENT

Background

The following information is for property owners in the City of Raymore wishing to vacate an abandoned or outdated easement. The Raymore City Council must approve all applications for easement vacations.

Conditions

To recommend or approve a request for a vacation, the Raymore City Council must conclude that:

1) Proper legal notice of the vacation request was given to the public and surrounding property owners;
2) No private rights will be injured or endangered by the vacation;
3) The proposed vacation is not contrary to the Raymore Growth Management Plan or any other transportation plans for the City; and
4) The public will suffer no loss or inconvenience thereby and that in justice to the applicant(s) the application should be granted.

The Development Services Director may determine that it would be advisable to obtain the recommendation of the Planning and Zoning Commission concerning a vacation application prior to the public hearing before the City Council. In that event the Planning and Zoning Commission will hold its own public hearing on the application following publication notice and notice to surrounding property owners in accordance with the provisions for public hearings. At the conclusion of any such public hearing, the Planning and Zoning Commission will submit its recommendation on the application to the City Council.

Process

To request the vacation of an easement, an application must be filed with the Development Services Department. The application will be reviewed by City staff and the Raymore City Council. It is strongly recommended that any person submitting an application for an easement vacation contact Development Services Department staff, who will explain the review process and provide the necessary forms, checklists, and dates. Additionally, the application must be filed with the County Recorder of Deeds' office.

Upon receiving an application for an easement vacation, City staff will review the request and prepare a report containing its findings and a recommendation of approval or denial of the vacation. The application and staff report are then submitted to the City Council for final approval.

Decision

City Council meetings are held on the second and fourth Monday of every month. The applicant and staff will have the opportunity to present a report on the proposed vacation. A public hearing is required. The City Council will consider staff recommendations, along with the public's input, when making their decision to approve or deny the vacation request. A bill, which requires two separate readings by the City Council, must be approved.

Timeline

- Discuss request with City staff
- Complete application and file with Cass County

30 Days before City Council Meeting

Filing deadline:
- Submit a completed application (see application checklist)

Staff review

Two Weeks Before City Council

City mails notice of public hearing

City posts notice of public hearing in newspaper

Second & Fourth Monday of the Month

- City Council First Reading/Public Hearing
- City Council Second Reading

EASEMENT VACATION
APPLICATION CHECKLIST

For applications filed under Unified Development Code Section 470.170

For an easement vacation request to be heard by the City Council, a completed application must be received by the Development Services Department before the filing deadline. The filing deadline for applications is typically 30 days before the City Council meeting. Please contact the Development Services Department for exact dates.

A completed application includes the following:

- ☐ **A completed application form.** The application form for an easement vacation is available in the Development Services Department Office located in Raymore City Hall or on the Internet at www.raymore.com. The application must be signed by at least two-thirds of the persons owning property adjacent to the easement to be vacated. Applicants' signatures must be notarized and filed for record in the Cass County Recorder of Deeds office.

- ☐ **Legal description,** survey, or other drawing approved by the City Engineer depicting the easement to be vacated and the surrounding properties and property owners.

- ☐ **Ownership affidavit**, copy of deed, other proof of ownership OR completed owner(s) consent form. Consent of the persons owning two-thirds of the property immediately adjoining the easement to be vacated is required in writing.

- ☐ **An application fee of one hundred and fifty dollars ($150.00)**, payable to the City of Raymore.