# RIGHT-OF-WAY VACATION

***GUIDE TO VACATING RIGHT-OF-WAY***

## Background

The City of Raymore maintains exclusive control over its public highways, streets, avenues, alleys, and other public places. Requests to vacate any such property must be approved by the Raymore City Council. To request a vacation, the consent of two-thirds of the people owning property surrounding the right-of-way to be vacated is required. If the City approves the vacation, title to the land is given to surrounding property owners in equal proportions according to length of the frontage each has on the right-of-way to be vacated. If the area to be vacated contains the facilities of a service provider, such as a utility company, an easement must be dedicated to allow for the installation, maintenance, operation, repair, reconstruction, or inspection of those facilities. If the vacation requires the relocation of facilities, the applicant(s) for the vacation must pay the relocation costs.

## Conditions

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

(1) consent of the persons owning two-thirds (2/3) of the property immediately adjoining has been obtained in writing, which consent shall be acknowledged before a Notary Public and filed for record in the Recorder of Deed's office.

(2) Notice has been published for two (2) consecutive weeks in the official City newspaper.

## Process

To request the vacation of a right-of-way, an application must be filed with the Development Services Department. Consent of the persons owning two-thirds (2/3) of the property immediately adjoining the land to be vacated must be obtained. Said consent shall be acknowledged before a Notary Public and filed for record in the Recorder of Deeds office. The application will be reviewed by City staff, the Raymore Planning and Zoning Commission, and the Raymore City Council. Any person submitting an application for a right-of-way vacation should contact Development Services Department staff, who will explain the review process and provide the necessary forms, checklists, and dates. Applications must also be filed with the Cass County Recorder of Deeds office.

Upon receiving an application for a right-of-way 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 Planning and Zoning Commission for review and then to the City Council for final approval.

## Decision

The Planning and Zoning Commission meets on the first and third Tuesday of every month. At the meeting, the Commission will allow the applicant and staff to present a report on the proposed vacation. The application is also subject to comment from the general public. The Commission then makes a recommendation of approval or disapproval to the City Council.

The public hearing for right-of-way vacations may not be considered coincident with any other public hearing or with site plan approval.

City Council meetings are held on the second and fourth Monday of every month. The applicant and staff will again have the opportunity to present a report on the proposed vacation. A public hearing is required. The City Council will consider staff and Planning and Zoning Commission recommendations, along with the public's input, when making their decision to approve or deny the vacation request. If the Planning Commission recommends disapproval of the application, the City Council must approve the request by a two-thirds vote. 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 P&Z Commission Meeting**

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

*Staff review*

▶ **Two Weeks Before P&Z Commission**

*City mails notice of public hearing and posts notice in local newspaper*

▶ **First & Third Tuesday of the Month**

Planning & Zoning Commission Meeting/ Public Hearing

▶ **Second & Fourth Monday of the Month**

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

# RIGHT-OF-WAY VACATION
## *APPLICATION CHECKLIST*

*For applications filed under Unified Development Code Section 470.180*

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*For a right-of-way vacation request to be heard by the Planning and Zoning Commission, 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 Planning and Zoning Commission meeting. Please contact the Development Services Department for exact dates.*

*A completed application includes the following:*

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

- ☐ **Legal description,** survey, or other drawing approved by the City Engineer depicting the right-of-way 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 right-of-way to be vacated is required in writing.

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