



## VACATION OF PUBLIC WAYS | PROCESS

City of St. Joseph, Missouri | Planning & Zoning

1100 Frederick Avenue, Room 107

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The vacation process is applicable to property dedicated or granted to the city, or annexed by the city, as right-of-way or an easement dedicated or granted for public use qualifies for vacation under this article, provided vacation does not eliminate access to any lot or unplatted parcel of land **(26-200(a))**.

Any unplatted property that will become less encumbered as a result of a vacation in accordance with this article must be platted prior to the filing of a petition for vacation. **(26-200(b))**

Upon vacation in accordance with this article, the public's interest in the property will be relinquished and, subject to other interests, full property rights will return to the owner of the underlying fee interests. Vacation does not constitute a warranty or guarantee the interest that any property owner will receive as a result of vacation. **(26-200(c))**

### **Preliminary Review (26-201)**

- Submit application, drawing of proposed site, and explanation of purpose of vacation to City Planner.
- Application is reviewed by Planning, Public Works, Fire, and Police. Comments from these groups will be given to the Planner within 14 days, with these comments incorporated into a report given to the applicant.
- **NO FEES** are charged for preliminary review.

### **Petition for Vacation (26-202)**

- Based on the report provided, an applicant can submit an official petition for vacation, with the following required materials:
  - **Drawing of property proposed & legal descriptions**, drawn to scale by a professional licensed surveyor. If proposed vacation includes public ROW, it must also include legal description of properties impacted as they will exist after the vacation.
  - **Utility release statements** from electric, gas, telecom, and all other utility companies operating in the City.
  - **Reserved property legal descriptions** for any easement or ROW that will remain.
  - **Vacation consent** forms (provided by City Planner) completed by 75% of owners of record of properties that will increase in size, become less encumbered by the vacation, and all persons residing on properties that will increase in size or be less encumbered by vacation.
  - **Affected properties list** for the following:
    - Land within 185' of proposed vacation
    - Land adjacent to major arterial within ½ mile of proposed vacation
    - Land adjacent to street (ex. major arterial) within ¼ mile of proposed vacation
    - Land adjacent to an alley, where a portion of it is proposed for vacation within the same block.
    - Other areas that may be determined by the Director of Public Works & Transportation

### **Petition for Vacation Ctd. (26-202)**

- Required materials ctd.:
  - **Traffic study** may be required if review determines necessary.
  - **Petition application** completed with all above materials.
  - **Filing fee** paid, outlined in **Sec. 26-10 and on bottom of page**.

### **Procedure (26-203)**

- If application is deemed incomplete or deficient, the petition will be denied, and no further action will be taken.
- If application is deemed sufficient and complete, the application will be placed on a Planning Commission hearing agenda to be heard in a public hearing.
  - If required, the application would also be placed on a Traffic Commission hearing agenda for a public hearing.
- The **Planning Commission** will review the application and make a recommendation to City Council based on the following criteria:
  - **Circulation** of people, goods, and vehicles will not be adversely impacted by the vacation.
  - **Access** to any properties will not be restricted or negatively impacted immediately or in the future by the proposed vacation.
  - **Utilities** will not be restricted or the ability to provide services efficiently will not be impacted.
- Based on the above criteria, the Planning Commission will determine whether
  - If the property for proposed vacation is or is not needed to protect the public interest,
  - If a public benefit does or does not exist for granting the vacation.
- The Planning Commission will then provide a recommendation of **approval, conditional approval, or denial** for the petition to City Council, with the reasoning provided.
- The petition application will be attached to an ordinance and placed on a City Council agenda, where it will be read and reviewed.
- City Council will make a determination on the petition of **approval, conditional approval, or denial**.
  - In cases where the Planning Commission recommended denial, a **two-thirds** vote of approval would be required by City Council to approve the petition.

### **Recording**

Following approval of the petition for vacation, the survey document may be recorded with the Buchanan County Recorder of Deeds.

**FEES** | Filing fees are **nonrefundable** and must be included for an application to be considered complete.

- **\$395** for first 500 feet of proposed vacation
- **PLUS \$58** for each additional 100 feet proposed

Buchanan County requires a separate fee of \$69 at time of recording, made out to the Buchanan County Recorder's Office.

The City does not provide surveying services. It is recommended that applicants review all options regarding cost, scheduling, etc. when locating a surveyor for any land use application.