



PLANNING & DEVELOPMENT SERVICES
PO Box 4169, 911 North Seventh Avenue
Pocatello, Idaho 83205
(208)234-6184 FAX (208)234-6586

PETITION FOR VACATION OF SUBDIVISION PLAT OR PORTION THEREOF

Dates for public hearing or Council consideration will not be scheduled until design plan review approval has been received.

Submittal Date: _____ Council Hearing Date: _____ Receipt #: _____

Submittal Approved by: _____ Permit #: _____

Plan Review Approved by: _____ Receipt Date: _____

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Filing Fee: \$535 + (_____ addresses X \$7.25 = \$_____) + Survey Accuracy Review \$200 = Total Due \$_____

General Site Location: _____

Complete Legal Description: _____

Petitioner's Name(s)	Address(es)	Phone Number(s)
_____	_____	_____
_____	_____	_____
_____	_____	_____

THE FOLLOWING INFORMATION MUST ACCOMPANY THIS APPLICATION TO BE COMPLETE

1. A site map of the area to be vacated, as well as plat of adjoining parcels.
2. A written analysis of your request explaining the reason for vacating and the original purpose of the easement must accompany this application.
3. A title report, property deed, or other legal documentation of ownership of the area in question, whether freehold, option, or lease.
4. **Three sets of typed**, gummed mailing labels with all of the names and addresses of the property owners within a 300 foot radius of the subject property. A charge of \$7.25 per property owner is required.

The written consent of property owners adjacent to a proposed vacation of right-of-way must accompany this application (I.C. 50-1321) unless the petitioners own "2/3 or more of the property abutting upon such street when such street has not been opened or used by the public for a period of twenty (20) years and when such nonconsenting owner(s) have access to their property from some other public highway.

In the case of easements granted for gas, sewer, water, telephone, cable television, power, drainage, and slope purposes, public notices of intent to vacate are not required. Vacation of these easements shall occur upon the recording of the new or amended plat, provided that all affected easement holders have been notified by certified mail, return receipt requested, of the proposed vacation and have agreed to the same in writing.

5. A signed Affidavit of Mailing List must also be submitted (attached).

The request will appear before the City Council approximately three to four weeks after submission of an application. The Council may grant the request to vacate with such restrictions as they deem necessary in the public interest. It will also take several more weeks after City Council approval for the ordinance adoption procedure.

TEXT OF IDAHO CODE 50-1306A: "Vacation of Plats - Procedures - When any person, persons, firm, association or other corporations may desire to vacate a plat or any part thereof which is inside or within one (1) mile of the boundaries of any city, it shall be lawful for such person, persons, firm, association or other corporation to petition the City Council to vacate. Such petition shall set forth particular circumstances of the request to vacate; contain a legal description of the platted area or property to be vacated; the names of the persons affected thereby, and said petition shall be filed with the City Clerk.

A written notice of public hearing on said petition shall be given by certified mail with return receipt, at least ten (10) days prior to the date of public hearing to all property owners within three hundred (300) feet of the boundaries of the area described in the petition. Such notice of public hearing shall also be published once a week for two (2) successive weeks in the official newspaper of the city, the last of which shall no be less than seven (7) days prior to the date of said hearing."

When the procedures set forth herein have been fulfilled, the City Council may grant the request to vacate with such restriction as they deem necessary in the public interest.

When the platted area lies more than one (1) mile beyond the city limits, the procedures set forth herein shall be followed with the county commissioners of the county wherein the property lies. The county commissioners shall have authority, comparable to the City Council, to grant the vacation, provided, however, when the platted area lies beyond one (1) mile of the city, but adjacent to a platted area within one (1) mile of the city, consent of the City Council of the affected city shall be necessary in granting any vacation by the county commissioners.

The approval of this application does not permit the violation of any federal or state codes, any section of the Building Code, or other Pocatello Municipal Codes as adopted. Approval of this land use permit does not exempt applicant from the provisions of the federal Fair Housing Act or ADA requirements. Further, other conditions, requirements, etc. may be imposed as part of the building permit process.

All publication costs shall be at the expense of the petitioner.

This application shall not be considered complete (nor will a hearing before the City Council be scheduled) until all required information has been submitted and verified.

I hereby acknowledge that I have read this application, and state that the above information is correct and I agree to the above terms and conditions. I am also aware the petitioner or a representative must be present at the public hearing.

Signature of Petitioner(s): _____ Dated: _____
 _____ Dated: _____
 _____ Dated: _____

SIGN-OFF: PUBLIC UTILITIES AND CITY DEPARTMENTS - Indicate the department's or firm's approval or disapproval of the proposed vacation.

UTILITIES	APPROVAL Initial/Date	* APPROVAL W/ COND. Initial/Date	* REJECTION Initial/Date
US Postal Service			
Intermountain Gas			
Idaho Power			
Century Link			
Cable One			
DEPARTMENTS			
Streets/Traffic Engineering			
Engineering			
Transportation			
Water			
Building			
Fire			
Sanitation			
P&DS			
BPO			
ITD (if necessary)			
City Surveyor		Verify legal description for ordinance	
Legal		Proceed with ordinance compilation	

* Please note any conditions or reasons for rejection: _____



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AFFIDAVIT OF MAILING LIST – PETITION FOR VACATION OF SUBDIVISION PLAT

1. The undersigned is the applicant, agent, engineer, or surveyor representing the applicant.
2. It is understood that the City of Pocatello requires the applicant to provide three sets of mailing labels of all the property owners of record located within 300 feet of the boundaries of the project site and \$7.25 fee per address. The list shall be based on the most current equalized assessment rolls of County of Bannock. This list and fee will be used to send one notice, by certified mail, of the public hearing required to process the application.
3. This is to certify that the persons named, together with their addresses as shown on the project mailing list attached herewith, are all the owners of property situated within 300 feet of the property, as their said names and addresses are set forth on the latest equalized assessment rolls of the County of Bannock.
4. The foregoing is true under penalty of perjury.

Date: _____

Name (please print): _____

Street Address: _____

City, ST, Zip: _____

Signature: _____