



One (1) original and one (1) copy of this completed application including the following must be submitted for review by the City Engineer. Upon review, additional copies will be requested for distribution to the Planning and Zoning Commission and the Board of Aldermen.

- A legal description of the right(s)-of-way to be affected, including one printed copy and one electronic copy in a Microsoft Word compatible format;
- A scaled map of such right(s)-of-way, correlated with its legal description and clearly showing the right(s)-of-way' s location;
- Copies of the deed(s) on file with the office of the St. Charles County Recorder of Deeds evidencing ownership of the property(s) burdened by the right(s)-of-way;
- Copies of all deeds, plats, easements, instruments of dedication or such other records or documents on file with the office of the St. Charles County Recorder of Deeds evidencing the location, nature and extent of the right(s)-of-way subject to the application.
- The notarized signature(s) of the applicant(s), fee owner(s) and agents of the fee owner(s), if any, certifying the accuracy of the required information. If the applicant(s) or fee owner(s) of the real property are a trust or business entity, then proof of the authority of the party executing the application must be provided by way of resolution, minutes, trust agreement, operating agreement, or other legally appropriate means;
- Non-Refundable Application fee of       \$100.00       provided.

Additional costs and fees may also include the costs and fees associated with a vacation include an appraisal fee, a vacation fee (based on the appraised value of the property), professionally prepared project drawings and plans, maps and plot plans, and traffic analysis. Applicant will be notified of any additional costs and fees upon review of this application by the City Engineer.

\*\*\* Before signing this application, familiarize yourself with all City procedures and requirements related to the vacation of public rights-of-way and make sure all items above are completed \*\*\*

**THE UNDERSIGNED APPLICANT OF THE REAL PROPERTY BURDENED BY THE RIGHT(S) OF WAY BEING REQUESTED TO BE VACATED HEREBY CERTIFIES THE ACCURACY OF THE INFORMATION PROVIDED IN THIS APPLICATION:**

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Printed Name Title

STATE OF MISSOURI        )  
  ) SS  
COUNTY OF ST. CHARLES    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid the day and year first above written.

\_\_\_\_\_  
Notary Public

My Commission Expires:

**THE UNDERSIGNED FEE OWNER OF THE REAL PROPERTY BURDENED BY THE RIGHT(S) OF WAY BEING REQUESTED TO BE VACATED HEREBY CERTIFIES THE ACCURACY OF THE INFORMATION PROVIDED IN THIS APPLICATION: (attach additional):**

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Printed Name Title

STATE OF MISSOURI        )  
  ) SS  
COUNTY OF ST. CHARLES    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid the day and year first above written.

\_\_\_\_\_  
Notary Public

My Commission Expires:



**Pursuant to the above application, this request may be granted under the following conditions:**

Procedures pertaining to the vacation of public rights-of-way are provided in Chapter 530 of the Municipal Code.

There is no right under law to vacate or to develop public right-of-way. In order to do so, a discretionary legislative approval must be obtained from the Board of Aldermen and the Board may not vacate right-of-way unless it determines that to do so is in the public interest. Part of that determination is to assure that potential development and use of the vacated right-of-way would serve the public interest in a significant way. The Board is not bound by land use policies or this ordinance in making right-of-way vacation decisions and may condition or deny vacations as it may deem necessary, in its sole discretion, to protect the public interest. The City will generally not support vacations that do not advance City planning goals, particularly if inconsistent with the desired intensity of development and preferred uses. In making this determination, the Board of Aldermen and City reviewers will weigh three components of the public interest described as follows:

1. **Public Trust Functions:** The City will consider the impact of the proposed vacation upon the circulation, access, utilities, light, air, open space, and views provided by the right-of-way;
2. **Land Use impacts:** The City will consider the land use impacts of the proposed vacation. Potential development involving the vacated right-of-way must be consistent with city land use policies for the area in which the right-of-way is located; and
3. **Public Benefit:** Benefits accruing to the public from the vacation of the right-of-way will be considered. The proposal must provide a long-term benefit for the general public.

Prior to consideration by the Board of Aldermen, all applications for vacation of public rights-of-way shall be submitted to the Planning and Zoning Commission for its review and recommendation.

Prior to the formal process to petition the Board of Aldermen for the vacation, the City Engineer will make a threshold assessment of the feasibility of a potential vacation whenever possible. As part of this threshold assessment, the City Engineer will consider the impact of the proposed vacation on right-of-way functions and may recommend that the petition not proceed. Following the review of a vacation petition by the City Engineer and the Planning and Zoning Commission, the City Engineer will make a recommendation to the Board of Aldermen, including conditions to address the impacts of the proposed vacation and to ensure the provision of the required public benefit. This recommendation will include comments from the Planning and Zoning Commission, and may include a recommendation whether to grant or deny the vacation.