

# CITY OF GALLUP

## PLANNING & DEVELOPMENT DEPARTMENT

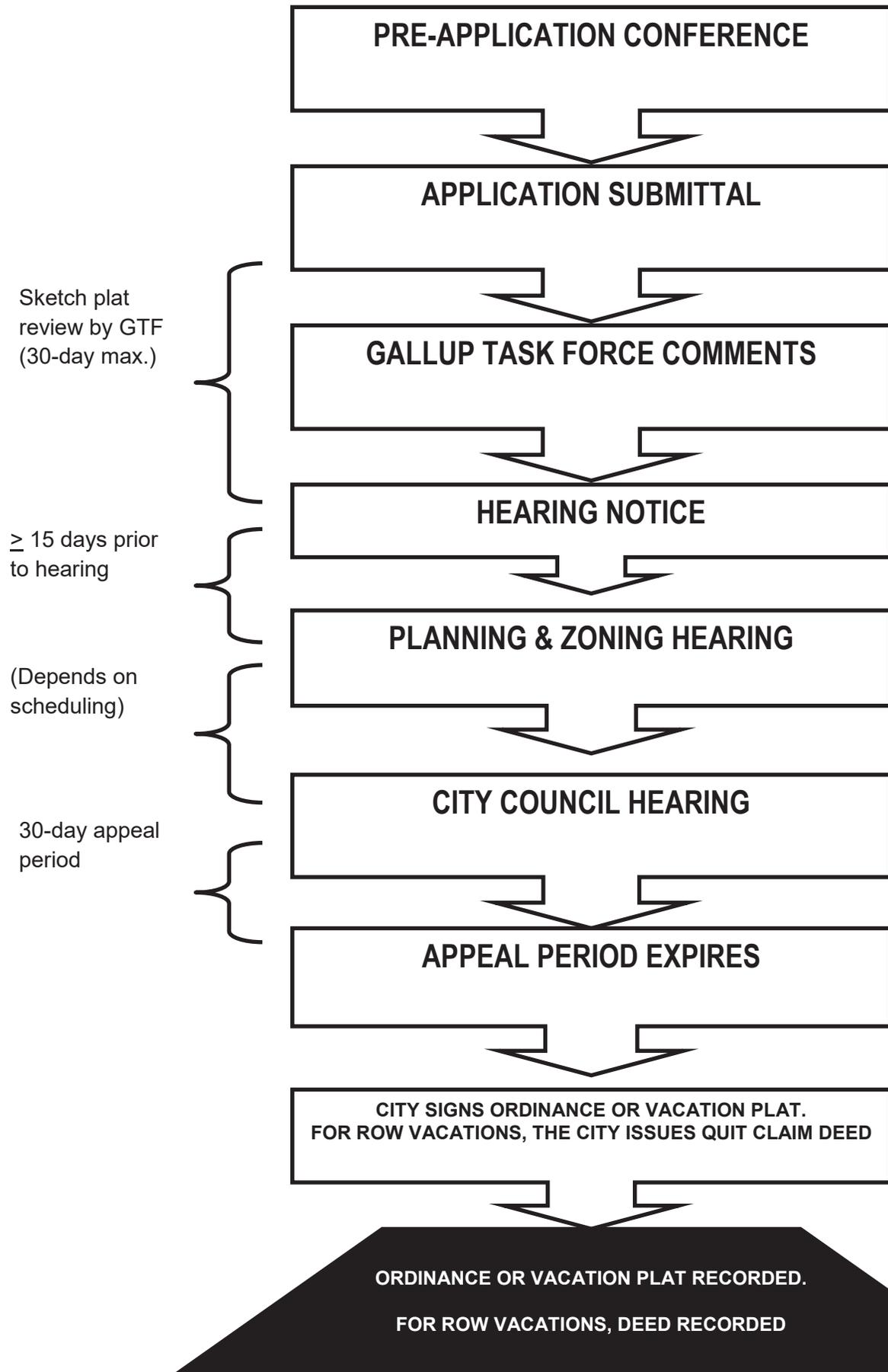


# VACATION

OF A STREET / ALLEY RIGHT-OF-WAY  
OR  
A PUBLIC UTILITY / DRAINAGE EASEMENT



# THE VACATION PROCESS





## VACATION OF A STREET / ALLEY RIGHT-OF-WAY

### OR

## PUBLIC UTILITY / DRAINAGE EASEMENT

### INTRODUCTION:

The vacation of a street or alley right-of-way or public utility or drainage easement may be requested by a property owner who can show that the public way is not needed by the City. The authority to grant the right-of-way and/or easement vacation lies with the City Council who may or may not approve it by means of an Ordinance or vacation plat. If the vacation is granted, the Ordinance shall act as a quit-claim deed to the property owner(s).

### HOW THE RIGHT-OF-WAY REQUEST WORKS

1. A Pre-Application Conference with the Planning and Development Director is required to discuss your request. An appointment may be scheduled by calling (505) 863-1240. A meeting without an appointment may be possible depending on the Director's schedule or over the phone if there is a hardship preventing you from coming in.
2. A written letter will be required explaining your reason(s) for the Vacation request along with the completed application.
3. A one-hundred dollar (\$100) processing fee to be paid at the time the application is submitted.
4. The deadline for accepting the application is the second Friday of the every month. Please refer to the Planning & Zoning Commission Meeting Calendar for specific submittal deadlines and meeting dates.
5. Once the application is received, the adjacent property owners (within 100 feet, excluding the right-of-way) will be notified, a public hearing notice will be published in the newspaper and a Staff Recommendation will be prepared.
6. The request will go before the Planning & Zoning Commission with a public hearing. The P&Z Commission meets the second Wednesday of the month in the City Council Chambers.
7. You and/or your representative will be required to be present for the meeting before the P&Z Commission or the commission will not review your case.
8. After the P&Z Commission issues their recommendation, the request will need to go before the City Council for a public hearing and it is their final decision to grant or deny the request. If approved, the Ordinance or vacation plat will be adopted by the City Council and the Ordinance or vacation plat shall act as a quit-claim deed.

### IMPORTANT POINTS TO REMEMBER:

1. A right-of-way and/or easement vacation request has a one hundred dollar (\$100) processing fee. This fee **MUST** be paid as part of the application submission process.
2. There are two (2) public hearings: the P&Z Commission and the City Council.
3. Your request will not be heard if you and/or your representative are not present.
4. Five (5) copies of a vacation plat / survey identifying the vacation request shall be submitted with the application. The vacation plat / survey shall identify the metes & bounds description of the vacation and be completed by a certified civil engineer / surveyor.

### COMMON PROBLEMS AND HOW TO AVOID THEM:

1. Neighborhood Opposition: Visit and talk with your neighbors about your request and keep them informed.
2. Payment of Fee: Payment of the processing fee does not guarantee approval of your request.
3. Lack of Information: All applications must be fully completed and contain the original signature of the property owner. No faxed or emailed applications will be accepted.
4. Meeting Deadlines: The deadline is the 2nd Friday of each month. It is important to have these applications in before the deadline if possible to avoid any delays from possible corrections that may need to be made.

### ADDITIONAL INFORMATION:

For the vacation of a PRIVATE utility easement or PRIVATE drainage easement you will NOT be required to go through this process. Private utility / drainage easements may be vacated by the property owner. As a courtesy, please submit final vacation documents to the City to have on file.



# **CITY OF GALLUP**

## **VACATION GUIDELINES FOR STREET / ALLEY RIGHT-OF-WAY AND PUBLIC UTILITY / DRAINAGE EASEMENT**

### **VACATING MAY NOT BE APPROVED IF:**

1. Part of a Capital Improvement Program Project.
2. Street extension is likely or needed in the future.
3. Utility access is needed at the present time.
4. Present ingress / egress for streets.

### **VACATING MAY BE APPROVED IF:**

1. No public benefit at this time.
2. Not developable due to topography or other natural conditions.
3. No future developments are likely.
4. Presently not needed for utility / drainage access.
5. Meets Master Plan Guidelines.

### **POSSIBLE REQUIREMENTS IN ORDINANCE:**

1. Specifically exempted from this vacation and reserved are necessary easements for any and all existing or future utilities including cable television or communication lines.
2. If said vacation is granted and the development necessitates the relocating of any public utilities, the applicant agrees to grant the City permanent easements for the location of such public utilities and agrees to move such lines at the applicant's expense.

### **USEFUL PHONE NUMBERS:**

#### **CITY OF GALLUP**

Planning & Development: (505) 863-1240

Electrical Department: (505) 863-1203

Public Works Department: (505) 863-1290

Water & Wastewater Department: (505) 863-1207



APPLICATION FOR VACATION

PROPERTY OWNER INFORMATION

NAME: \_\_\_\_\_ PHONE #: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

APPLICANT INFORMATION:

NAME: \_\_\_\_\_ PHONE #: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

AGENT INFORMATION: (if applicable)

NAME: \_\_\_\_\_ PHONE #: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

ENGINEER / SURVEYOR INFORMATION

NAME: \_\_\_\_\_ PHONE #: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

**SITE ADDRESS:** \_\_\_\_\_

**LEGAL DESCRIPTION OF THE PROPERTY:** \_\_\_\_\_

REQUESTING VACATION OF A:

- STREET RIGHT-OF-WAY
- ALLEY RIGHT-OF-WAY
- PUBLIC UTILITY EASEMENT
- PUBLIC DRAINAGE EASEMENT
- OTHER: \_\_\_\_\_

REQUESTING APPROVAL BY:

- ORDINANCE (WITH A VACATION SURVEY)
- VACATION PLAT

**ACREAGE OF THE AREA TO BE VACATED:** \_\_\_\_\_ **ACS M/L**

PROJECT DETAILS:

- a. Written statement explaining request for proposed vacation  YES  NO
- b. Five (5) copies of a vacation plat / survey identifying the proposed vacation.  
The plat / survey shall identify the metes and bounds description of the vacation and be completed by a certified civil engineer / surveyor.  YES  NO
- c. Processing fee of one-hundred dollars (\$100) shall be included:  YES  NO

<i>Print Owner's Name</i>	<i>Owner's Signature</i>	<i>Date</i>
<i>Print Applicant's Name</i>	<i>Applicant's Signature</i>	<i>Date</i>
<i>Print Agent's Name (If applicable)</i>	<i>Agent's Signature (If applicable)</i>	<i>Date</i>

**FOR OFFICE USE ONLY**

PRE-APP. CONFR: \_\_\_\_\_

APPLICATION FEES ACCEPTED BY: \_\_\_\_\_

AMOUNT PAID: \$ \_\_\_\_\_ METHOD OF PAYMENT: \_\_\_\_\_

HEARING DATE: \_\_\_\_\_ CASE #: \_\_\_\_\_

DATE STAMP