



Development and Infrastructure Services Department

Engineering Division

11000 N La Cañada Drive, Oro Valley, Arizona 85737 • 520-229-4869 • 520-229-4871(Fax)

**APPLICATION TO VACATE
A PUBLIC STREET, EASEMENT OR ALLEY
PER ORO VALLEY TOWN CODE, ARTICLE 7-7**

APPLICANT: _____ DATE: _____

ADDRESS: _____ TELEPHONE: _____

CITY: _____ STATE: _____ ZIP: _____

Before the Town will consider this application to vacate a public street, easement or alley, the following items will need to be submitted with the application:

- The applicant must provide a complete written explanation of why the vacating is sought; why it is felt that the Town no longer requires the use of said property.
(Written explanation to be attached hereto)
- Fees to cover administration, legal and engineering costs: Abandonment of streets and alleys - \$780.00.
NOTE: All fees are non-refundable
- An accurate legal description of the property to be vacated must be provided.
- Applicant must provide an acceptable title report and a county assessor’s map clearly describing the subject street or alley. All adjacent property owners, their addresses and phone numbers must also be included.
- Written permission and authorization for the requested vacating must be secured from all affected public utilities. Copies of all letters of authorization and permission must be submitted with this application.

<u>Please indicate Utility Company</u>	<u>Phone Number</u>	<u>Have Responded</u>
Comcast Communications	744-2653	_____
City of Tucson Water	791-3242	_____
Golder Ranch Fire Department	825-9001	_____
Metropolitan Water	575-8100	_____
Oro Valley Water Utility	229-5000	_____
Pima County Wastewater	740-6500	_____
Qwest Communications	884-2355	_____
Rural Metro Fire Department	297-3600	_____
Southwest Gas	889-1888	_____
Tucson Electric Power Company	623-7711	_____

Applicant shall furnish at time of the application appropriate Quitclaim Deed forms Town pursuant to the request of vacating. The Quitclaim Deeds shall be in a form sufficient to convey title in the manner set forth in ARS 28-1902 et.seq.

Applicant must provide a map including the exact location of the property to be vacated.

All conditions required in Article 7-7 must be satisfied by applicant except those specially stated as requiring Town Council action or waived by Town Council.

Applicant's Signature

To Be Completed By Town Staff:

This application was received on _____ by _____.

Engineering and Planning Approval

Engineering Division

Date

Planning Division

Date

THE VACATING OF EASEMENT AND/OR PUBLIC RIGHTS-OF-WAY

Article 7-7

Sections:

[7-7-1 APPLICATION REQUIRED](#)

[7-7-2 REVIEW OF APPLICATION](#)

[7-7-3 APPLICATION FEES](#)

[7-7-4 VERIFICATION OF EASEMENT STATUS BY TOWN MANAGER](#)

[7-7-5 NOTICE OF HEARING](#)

[7-7-6 TIME LIMITS](#)

7-7-1 APPLICATION REQUIRED

Any person may apply to the Town Engineer's Office for the vacating by the Town of all or a portion of any public street, alley or easement which is subject to being vacated by the Town pursuant to Arizona State Law. All such applications for vacating shall be submitted for project review upon forms prepared and available from the Town Engineer's office and shall be accompanied by the following information:

A. An accurate legal description and map of the street, alley or easement, or part thereof, sought to be vacated. The map must include an accurate list of properties abutting the property to be vacated along with current property owners' names and addresses including all persons, partnerships, corporations or other entities owning abutting property. A current title report shall be submitted at the time of the application showing all current owners of the abutting properties.

B. Permission and authorization for the requested vacating from all affected public utilities.

C. A complete, written explanation by the applicant why the vacating is sought, and why it is felt that the Town no longer requires the use of said property for public purposes.

D. Applicant shall furnish at time of the application appropriate Quit Claim Deed forms setting forth accurate legal descriptions of the property proposed to be conveyed by the Town pursuant to the request of vacating for vacating. The Quit Claim Deeds shall be in a form sufficient to convey title in the manner set forth in ARS 28-1902 et seq.

7-7-2 REVIEW OF APPLICATION

All applications for the vacating of streets, alleys or easements shall be reviewed by the appropriate Town staff. On the basis of such review, the Town Manager shall have reports and recommendations submitted to the Town Council. If the application has been found to be complete, the Town Manager shall set a date for the hearing of the application. All applications other than those referred to in Section [7-7-4](#) shall be heard and decided upon by the Town Council. The decision to grant the request for vacating shall be solely at the discretion of the Town Council.

7-7-3 APPLICATION FEES

A. At the time of filing an application for the vacating of a public utility easement or of any street, alley or an easement for right-of-way, the applicant shall pay a fee of seven hundred and eighty dollars (\$780.00) to cover legal and administrative costs incurred by the Town. This fee may be reduced or waived by the Town Council. The request for waiver or reduction shall be in writing and shall specify the reasons for the request. The request for waiver or reduction may be submitted prior to the application submittal or at the public hearing on the application.

B. Separate applications must be filed for each street, alley or easement which the Town is being requested to vacate except in cases where the street, alley or easement is contiguous.

C. No application fee is required if:

1. The application is made by Town staff or upon Town Council initiative.

2. The application is no more than a request for a verification of a condition that has already occurred and which terminates an easement in accordance with Section [7-7-4](#).

3. Upon hearing by the Town Council, the Town Council has granted a waiver of the application fees.

7-7-4 VERIFICATION OF EASEMENT STATUS BY TOWN MANAGER

A request that the Town verify the conditions which vacated a street, alley or easement shall not be subject to the requirements for vacating of easements and public rights-of-way. The Town Manager shall review the verification request and confirm the prior status, as reflected by Town records.

7-7-5 NOTICE OF HEARING

Upon receipt of a complete application for vacating as described in Section [7-7-3](#), the Town Clerk shall cause to be published and posted a notice of a hearing upon said application before the Town Council. Notice of a public hearing shall be given not less than five days prior to the hearing by publication of the notice at least once in the official newspaper used for legal publications by the Town. Also, the notice of public hearing shall be given to all adjacent property owners by first class mail. In addition, notice of the public hearing shall be posted a minimum of thirty (30) days prior to the public on the affected property in at least three (3) locations, one at each end and one centrally located on the public easement and/or public right-of-way. The posted notice shall be printed so that the following are visible from a distance of 100 feet:

"Public Hearing, Request for Vacating." All of the above-described notices shall contain the nature of the request, a legal description of the property to be vacated, the time and place of hearing and a statement that anyone wishing to protest the proposed vacating may do so at the hearing in person or by writing. Upon passage of a resolution of vacating the easement and/or public right-of-way, such vacating shall become final and the Town Clerk shall be authorized to provide any party with a copy of the resolution.

7-7-6 TIME LIMITS

The vacating shall be effective upon approval by the Town Council, however, if additional requirements or conditions have been placed upon the approval, the vacating shall not be effective until the conditions or requirements has been satisfied. The applicant shall have sixty (60) days from the time of the Council hearing to complete the additional requirements for conditions placed upon the approval period. By action of the Council, one time extension of not more than sixty (60) days may be granted as long as a formal written request has been submitted to the Council before the expiration date. If the conditions imposed by the Town Council are not met, or the time limit has expired, the approval will automatically become null and void.
