

STREET / ALLEY VACATION PETITION

_____, _____
[name(s)] [address]

does hereby petition the City of Huron and/or Beadle County, South Dakota to vacate the street/alley abutted by the hereinafter described real property in the City of Huron and Beadle County, South Dakota or within the 3-Mile Area of Beadle County, South Dakota.

That the petitioner(s) is the owner in fee of the property hereinafter legally described as follows:

The petitioner(s) requests the City of Huron and/or Beadle County take such appropriate and necessary action required by the Ordinances of the City of Huron and the Laws of the State of South Dakota to vacate the street/alley abutted by the above-described real property.

[signature] [signature]

STATE OF SOUTH DAKOTA)
) ss
COUNTY OF BEADLE)

On this the ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My commission expires _____, 20____

[Notary Public]

Requirements for vacation:

(1) A street, alley, or public ground or any part thereof that is currently being used for public purposes may be considered for vacation by the City Commission only after receiving a petition signed by the owners of all land adjacent to the street or alley. OR

(2) Whenever a street or alley or any part thereof has not been used or traveled as a street or alley at any time during the preceding 20 years the land may be vacated by the governing body upon application of the owner or owners of all the real property abutting upon both sides thereof.

Based on Municipal Code 15.25 such petition shall set forth the facts and the reasons for such vacation. Please fill in the following blanks to explain the facts and reasons for your request:

Procedure for requesting vacation:

Petition shall:

- Be accompanied by the existing plat of street, alley, or public ground proposed to be vacated
- Be signed by all of the adjacent property owners and be verified by the affidavit of such owner or owners or his or their agent or attorney
- **Include filing fee - \$250**

Any street, alley or public ground that is vacated:

- May be dedicated, at discretion of City Commission, in perpetuity by the owner(s) to the public as a utility easement
- The plat shall be at no cost to the city & include the entire width and length of the area vacated dedicated as a public easement area

A sign providing notice of the meeting will be placed at each end of the street or alley or part thereof sought to be vacated and upon such other public ground sought to be vacated at such locations which provide reasonable notice of the hearing.

The recommendation of the Planning Commission will be forwarded to the City and/or City and Beadle County Commission for consideration. Notice of the proposed vacation shall be published once a week for two successive weeks prior to a public hearing being held on said petition by the City Commission. A resolution of vacation shall be published and is subject to referendum. Upon taking effect a copy of the resolution certified by the city finance officer shall be filed at the register of deeds.

Plat to be approved and recorded at register of deeds, at applicant(s) expense and a copy provided the city.

No petition for vacation may be filed with the Planning Office less than six months following a denial by the City Commission of an identical or substantially similar petition.

Procedure:

1. Request must be accompanied by the existing plat of such street, alley, or public ground proposed to be vacated. (This information may be available at the Planning Office.)

2. The petition must be signed by all of the adjacent property owners and verified by the affidavit of such owner or owners or his or their agent or attorney.

3. The petition shall be filed at the City Planning/Inspections Office along with the **filing fee of \$250 15 days prior to the public hearing date.**

4. Any street, alley or public ground that is vacated through this process may be dedicated, at the discretion of the City Commission, in perpetuity by the owner(s) to the public as an easement for the installation of any publicly accepted utility(ies). The entire width and length of the area vacated shall be platted and dedicated as a public easement area and shall occur at no cost to the city.

5. Hearing: Shall be held by the City Planning Commission if the street, alley or other public ground to be vacated is within city limits (OR) held by the Joint Planning Commission if the street, alley or other public ground to be vacated is within the Joint Jurisdictional Planning Area.

6. A sign providing notice of the meeting will be placed at each end of the street or alley or part thereof sought to be vacated and upon such other public ground sought to be vacated at such locations which provide reasonable notice of the hearing.

7. The recommendation of the City Planning Commission will be forwarded to the City Commission for consideration OR the Joint Planning Commission recommendation will be forwarded to both the City & County Commission for consideration.

8. Notice of the proposed vacation shall be published once a week for two successive weeks prior to a public hearing held by the City Commission. The notice shall state that a petition has been filed, briefly state the object of the petition, and the date that the petition will be heard and considered by the governing body. The hearing shall be held not less than ten days from the last publication of the notice. At the public hearing, the City Commission will take into consideration: public testimony, recommendations of the Planning Commission and recommendations of city departments that may have an interest in the proposed vacation.

9. A resolution of vacation shall be published and is subject to referendum. Upon taking effect a copy of the resolution certified by the city finance officer shall be filed in the office of the register of deeds.

10. If the City Commission approves the vacation the applicant(s):

a. Shall have a plat of the vacated area be prepared at no cost to the city, said plat to show new property lines created as a result of said vacation and any utility or other easements upon the area vacated.

b. The plat will be approved through the normal plat approval process and the applicant(s) submitting the petition for vacation shall pay the appropriate fee at the time that the plat is submitted for approval.

c. The applicant(s) is/are required to have the plat recorded at the office of register of deeds, at applicant(s) sole expense, and shall provide the city a copy of the filed plat showing the date, book and page number where the plat may be found in the Beadle County Office of the Register of Deeds.

11. No petition for vacation of a street, alley or other public ground may be submitted and filed with the Planning and Inspections Office less than six months following a denial by the City Commission of an identical or substantially similar petition.