



Vacation of Right-of-Way/Section Line Highway

Application fee of \$200 plus \$6.90 notification fee per required notification letter.

A Vacation of Public Right-of-Way/Section Line Highway is the process that eliminates public rights-of-way that are no longer needed for access or utilities. The vacation requires the approval of a resolution by City Council including an exhibit identifying the area to be vacated.

Information and Materials Required:

1. A completed application signed by all property owners whose property adjoins that part of the street, alley or public ground to be vacated. The petition for vacation must be notarized;
2. Vicinity Map;
3. One 8.5" X 11" copy and a PDF copy of a Vacation Instrument marked "Exhibit A" prepared by a Registered Land Surveyor. The Vacation Instrument shall include book and page number of original plat dedicating right-of-way if applicable; and,
4. The applicant shall send out utility letters prepared by the City and the vacation instrument to all utility companies in order to determine the impact of the proposed vacation on utilities.

Procedure:

1. Application shall be submitted to the City per the approved submittal schedule.
2. After Planning staff has documented that a complete submittal has been file with the City, Planning Department staff will route the information to all effected departments, and agencies.
3. Planning staff will place the application on the next regular scheduled Planning Commission meeting for review and recommendation to City Council. The Planning Commission has a minimum of thirty (30), but not more than forty-five days form the date of distribution, to review, prepare and submit its recommendation to the City Council;
4. Staff will set the item for hearing at the following City Council meeting.

Publication Requirements

The Vacation of Right-of-Way and/or Vacation of Section Line Highway petition is a public hearing requiring publication of legal notice once each week for at least two successive weeks with the City Council taking formal action on the petition not less than 10 days from expiration of such publication. This publication requirement will result in formal action being taken by the City

Suspended Timelines:

If the Planning Director determines that the application for the Vacation of Right-of-Way/Section Line Highway does not contain the specified and required information, the review timeline shall be suspended, and the owner and/or designated agent shall be notified of the deficiency. When complete and sufficient information is provided by the owner and/or designated agent, the review timeline shall be re-engaged, with an additional five (5) working days added to the remaining balance of the review timeline. Applications suspended for more than ninety (90) consecutive days shall be denied by the Planning Director.

When the owner and/or designated agent do not concur with the City regarding the information required for the final plat and/or a suspended timeline. The applicant may request an appeal in consideration of the disputed item(s) be filed to the Planning Commission. The Planning Commission may uphold or approve of the Planning Directors decision, overrule the decision, and/or deny the plan in its entirety.



Planning Department
 420 Villa Drive, Box Elder, SD 57719
 Phone: 605-923-1404 Fax: 605-923-4264
 This institution is an equal opportunity provider

Application for Planning and Zoning Action

I/We, the undersigned, do hereby submit an application to the City of Box Elder, to take such actions as may be required by the Ordinances of the City of Box Elder, South Dakota to allow the proposed development or action for the property described below:

Application Type:		
Zoning/Land Use	Subdivision	Planned Development
Rezoning	Layout Plan	Initial Plan
Conditional Use Permit	Preliminary Subdivision Plan	Final Plan
Zoning Variance	Minor Plat	Major Amendment
Floodplain Development Permit	Final Plat	Minor Amendment
Grading Permit	Subdivision Variance	
Other:	Vacation of Easement	
	Vacation of ROW/Section Line	
Legal Description:		
Location:		Size:
Request Proposed (attached additional pages if necessary):		

Petitioner/Agent Information

Company: _____
 Name: _____
 Address: _____
 City, State, Zip: _____

Phone: _____
 E-Mail: _____

Property Owner Information

Company: _____
 Name: _____
 Address: _____
 City, State, Zip: _____

Phone: _____
 E-Mail: _____

Acknowledgement – I/We hereby acknowledge that I/we have familiarized ourselves with the rules and regulations to the preparation of this application and the information is true and complete to the best of our knowledge.

Owner

Signature: _____
 Date: _____
 Title: _____
 (Required for Corporations, Partnerships, LLC & Other)

Petitioner/Agent

Signature: _____
 Date: _____
 Title: _____
 (Required for Corporations, Partnerships, LLC & Other)

Office Use Only			
Date Filed:		Invoice #:	
PC Date:		RC Publication Date:	
PC Action:		Signs Placed:	
Council Action:			