

REQUIREMENTS FOR UTILITY EASEMENT VACATION

- Completed application
- Copy of plat and name of subdivision displaying lots involved in request
- Completed "Notice of Public Hearing" form
- Placed advertisement of notice of public hearing in local newspaper
- Completed "Certificate of Notification of Adjacent Property Owners..." form
- Completed "Utility Release Form"
- Present forms and \$50 application fee to City Clerk's Office in City Hall building
- Completed "Affidavit" form

Once the above information is submitted, the Huntsville Planning Commission will present it during their monthly public meeting and consider the abandonment. If approved by the Planning Commission, the matter will go before the City Council to be finalized and an ordinance will be passed for the approval.



City of Huntsville | Planning Commission

Easement Vacation Application

Indicate one contact person for this request: ___ Applicant ___ Representative ___ Owner

Applicant (Owner yes no)

Representative (engineer, surveyor, realtor, etc.)

Name _____

Name _____

Address _____

Address _____

Email _____

Email _____

Phone () _____

Phone () _____

Owner (if different from applicant)

Name _____

Address _____

Email _____

Phone () _____

Give exact street address/location of property: _____

Submit legal description and/or scaled drawing of the property (may attach copy of warranty deed/survey):

Select the property type to be vacated:

<input type="radio"/> Alley R-O-W	<input type="radio"/> Drainage Easement
<input type="radio"/> Street R-O-W	<input type="radio"/> Public Access Easement
<input type="radio"/> Utility Easement	<input type="radio"/> Other _____

The Applicant's immediate intentions are to:

1. State the reason for requesting easement vacation: _____

2. The effect of the proposed vacation upon the adjacent property and neighborhood is anticipated to be as follows: _____

Financial Interests The following entities and/or people have financial interest in this project:

Application Requirements

The Huntsville Planning Commission meets on the 4th Monday of each month. All requests to vacate an easement require a public hearing to be held during the Commission’s monthly meeting. The findings of the Commission must be subsequently approved by the City Council.

Applicants must:

- Place a public notice in a newspaper of general circulation in the city, at the expense of the applicant, stating the time, place, and subject of the public hearing at a minimum of 15 days prior to the hearing. Please note that notice must be submitted to the newspaper by Monday in order to be published in the weekly Thursday publication.
- Notify an owner of each parcel of land adjacent to the property’s boundaries (including across roadways) of the proposed changes and public hearing details. Applicant shall send/deliver *Notice of Public Hearing* form to said owners by certified mail or by hand-delivery, at the expense of the applicant. If hand-delivered, signatures are required on *Certificate of Notification* form.
- Notify owners of adjacent property at a minimum of fifteen (15) days prior to Planning Commission Meeting/public hearing.
- Submit the following documents to the office of the City Clerk prior to the public hearing:
 - o Completed application
 - o Certified mail and/or returned mail receipts
 - o Completed *Certificate of Notification* form

The applicant or official representative must be present at the meeting in order to answer questions the Commission members or interested parties may have.

Applicant/Representative: I certify under penalty of perjury that the foregoing statements, data, drawings, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that incorrect or false information submitted is grounds for dismissal of this application. I understand that the City may not approve this application or may set conditions upon its approval.

Name (printed): _____ Date: _____

Signature: _____

***A fee of \$50 must accompany this application. Return application to the office of the City Clerk.**

For Office Use Only	Date
Application received	
Fee received/Receipt #	
Forwarded to PC	
Notice Published	
Public Hearing	

NOTICE OF PUBLIC HEARING BEFORE THE
CITY OF HUNTSVILLE PLANNING COMMISSION
TO VACATE AN EASEMENT

To all landowners possessing land adjacent to the property located at the following address:

Property Owned by: _____

NOTICE IS HERBY GIVEN THAT an application has been filed to vacate an easement at the above property,

Easement description _____

If approved, the vacation will occur only upon the property described above.

The purpose of the request is to: BUILD SELL
 DEVELOP OTHER

Explanation: _____

A public hearing on proposed vacation will be held by the City of Huntsville Planning Commission in the Council Chambers at the Huntsville City Hall on _____ at _____ P.M.

All parties interested in this matter may appear and be heard at said time and place or may notify the Planning Commission of their views on this matter by letter. Letters should be mailed to:

Huntsville Planning Commission
City of Huntsville
P.O. Box 549
Huntsville, AR 72740

All letters must be mailed to arrive no later than the date of the hearing.

**Certificate of Notification of Adjacent Property Owners for
Easement Vacation Request**

I hereby certify that the following adjacent property owner(s) have been notified of the time, date, and place of the public hearing concerning the request for easement vacation:

Signature _____ Date _____

Note: All persons affected must sign this form if the required notification is hand delivered. In the case of notification by U. S. Certified Mail, all parts of this form must be completed, except the signature, and returned certified mail cards with recipients' signatures must be attached to this form.

Name _____
Signature _____
Address _____
City, State, Zip _____

Name _____
Signature _____
Address _____
City, State, Zip _____

Name _____
Signature _____
Address _____
City, State, Zip _____

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City, State, Zip _____

Name _____
Signature _____
Address _____
City, State, Zip _____



City of Huntsville | Planning Commission

Utility Release Form

**Top portion to be completed by applicant*

Date _____

Utility Company _____

Address _____

The Huntsville Planning Commission has received the following request for utility easement vacation.

Request made by _____

Address _____

Contact Telephone _____

Reason for Vacating _____

*Please include plat if available

**Below to be completed by utility company*

Utility Company Comments - (Send release form to the requesting applicant's address provided above)

- No objections to the vacation(s) described above
- No objections to the vacation(s) described above, provided the following described easement is retained
- Objection to the vacation(s) described above, reason described as _____

Print Name _____ Date _____

Signature _____

Affidavit

I hereby certify that I _____
print or type name

acting as agent/owner, have provided notice to affected parties in accordance with the requirements set forth in this application and that the notice information provided is to the best of knowledge true and factual. I am hereby enclosing the following supporting documents: copies of the notice, mailing receipts, return cards, and any notices that were undeliverable.

Signature _____

Date _____

Authorization by Owner(s) for Representative

If applicant or organization is to be represented by another party:

To the City of Huntsville Planning Commission:

I, _____ hereby authorize
_____ to represent me (us) on my (our) behalf
concerning the request to vacate an easement which is to be presented to the City of Huntsville Planning
Commission at the meeting to be on _____
hearing/meeting date

Print Property Owner Date

Print Property Owner Date

Signature Property Owner Date

Signature Property Owner Date

NEWSPAPER NOTIFICATION FORM

*Applicant is responsible for submission and payment to newspaper.

For zoning change use:

NOTICE OF PUBLIC HEARING BEFORE THE CITY OF HUNTSVILLE

PLANNING COMMISSION ON APPLICATION FOR _____

Property located at _____, owned by _____ to change zoning classification from _____ to _____. The purpose is _____

A public hearing is set for _____, _____ at City Hall.
Time Date

OR

All other requests use:

NOTICE OF PUBLIC HEARING BEFORE THE CITY OF HUNTSVILLE

PLANNING COMMISSION ON APPLICATION FOR _____

Property located at _____, owned by _____.

The purpose is _____

A public hearing is set for _____, _____ at City Hall.
Time Date