

SEVIER COUNTY
PETITION TO VACATE A COUNTY ROAD RIGHTS OF WAY

Petitioner: *Name of Person Filing Petition* _____

Address: _____

Email Address: _____

Phone: _____

Tax parcel number: _____

Proof of Ownership: *Copy of Deed*

Map of Area:

Map containing surrounding background imagery, parcels & roads.

Legal Description of County Road to be vacated:

A legal description of the road to be vacated; together with a statement/survey certifying the validity of the legal description, signed by a licensed surveyor.

Size of road to be vacated (in square feet):

Include an aerial image with lot lines, not survey grade, showing adjacent lots within 300 feet distance to ensure no lots will be left without access. The applicant can utilize GIS-based maps on the county's website for convenience. Click Here: [Sevier County GIS Data \(arcgis.com\)](http://seviercounty.org/arcgis.com)

Will the vacation result in any parcel of land being denied access?

A statement explaining how no property will be denied direct access as a result of the vacation.

It is the policy of the county to disfavor the vacating of County Road rights of way that lead to private, state, and/or federal lands; however, a variance to this policy may be granted on a very limited basis if compelling circumstances warrant it. The County will not vacate a road if the road leads to state, federal land.

How is the vacation in the public interest?

A statement of why the proposed vacation is in the public interest. Or, how the proposed vacation does not harm public access and interests.

Public Notice: *Minimum 14 days before public hearing.*

Notes:

It is the responsibility of the applicant to provide the information outlined on this form and in the ordinance. It is not the County's responsibility to research land records or complete a survey, for example.

1. If at any time prior to the public hearing, if 60 percent or more of all the owners of property abutting the road to be vacated file a written objection to the vacation, the County may not hold a public hearing or consider granting the vacation.
2. If the County grants the Vacation, it may require monetary compensation, land dedication, or an easement in accordance with **County Vacating Ordinance #2022-8-1 Section 3**. This monetary compensation, dedication, or easement requirement must be fulfilled by the person filing the petition before the Ordinance granting the Vacation will be signed by the County Commission.
3. Time & Cost: The entire process may take a minimum of 4 to 6 months from the time of application. The petitioner is responsible for paying application fee of **\$1060.00** and any other costs the County's incurs in processing the road vacation request to completion. Time to process a Road Vacating Petition Application will depend on the work load of all departments involved and road vacating issues that may arise.
4. If the Petition to Vacate a Sevier County Road Rights of Way is approved but not recorded within 1 year of the approval date, it shall be void and the applicant shall be required to repeat the process.

APPLICANT DECLARATION

The total application fee is **\$1060.00**.

Applicant understands the application fee is not refundable in the event the application is withdrawn, canceled or denied.

The Applicant declares and affirms that:

- a. Applicant has a fee interest in the property in which a vacation action is being requested, and that said property is not subject to any delinquent or unpaid taxes, special assessments, or other improvement liens.
- b. No portion of the property to be vacated constitutes or was acquired for a state or federal highway, nor will the vacation of said property deprive any entity of its legal rights, as a property owner, in adjacent or nearby properties.
- c. Applicant understands that Sevier County, its employees or agents will not assume responsibility or liability for any matter that is the responsibility of the Applicant.
- d. In making application, the Applicant specifically consents to the physical inspection of the properties described herein, and the providing of such additional information as may be deemed necessary to assist the Board of County Commissioners in its consideration of and action upon the requested action for vacation.
- e. Applicant releases Sevier County, its Board of County Commissioners, employees and agents from any and all claims for damages that may result from acts occurring directly as the result of the Applicant's petition.
- f. Applicant understands a vacation of public property by the County may affect substantial interests in real property and other proprietary rights.
- g. Applicant has provided a map encompassing the area to be vacated with the proposed vacated area marked.
- h. Applicant will provide with the Petition application the Road Vacating Petition Signature Sheet with the signatures of the surrounding property owners and proof of the notification letters sent to them along with any return correspondence.
- i. Applicant will provide a list and proof of notice to government agencies, utilities, or other organizations that they have sent notices to for a formal response along with any return correspondence. (i.e. Rocky Mountain Power, Forest Service, etc.)
- j. Applicant acknowledges that if they misrepresent or fail to disclose relevant information and it is discovered during reviews, the application will be rejected and a new application will be required including the fee.
- k. Applicant assumes full and complete responsibility for compliance with the requirements of the law and all procedures arising out of any proceedings instituted by or on behalf of the Applicant. The undersigned Applicant, having been duly sworn, deposes and says that he/she has read the foregoing application and attachments thereto, knows the content thereof, and that the matters and information set forth therein are true and correct.

APPLICANT:

Signature

Print Name: _____

Title: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____,
by _____, () individually or () as (title) _____ of (name of entity)
_____. He/she is () personally known to me or () has
produced _____ as identification. _____

Notary Public

My Commission Expires: _____

Please submit this application and the required documents to:

Sevier Road Department

689 W 2630 S

Richfield, UT 84701

(435) 896-4831

SEVIER COUNTY
ROAD VACATING PETITION SIGNATURE SHEET

Road to be Vacated: _____

Location of Road: (Attach Legal Description & Map)

Each owner and signer states for themselves:

I have personally signed this petition; I own property that is adjacent to or accessed exclusively by or within 300 feet of the Sevier County Road Rights of Way that is being petitioned to vacate in Unincorporated Sevier County in the State of Utah, and my mailing address is correctly written after my name. We hereby certify that the undersigned understands and are in agreement with the proposed County Road Rights-of-way that is being petitioned to vacate.

	NAME Signature	Print	ADDRESS	PHONE	PARCEL #
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____
5.	_____	_____	_____	_____	_____
6.	_____	_____	_____	_____	_____
7.	_____	_____	_____	_____	_____
8.	_____	_____	_____	_____	_____
9.	_____	_____	_____	_____	_____
10.	_____	_____	_____	_____	_____

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS:

We, the above signed, hereby request that a county road or portion thereof be vacated.

Said road is described as follows:

We respectfully represent and allege that the said road has no material utility or benefit as a part of the general road system now and in the future and that the public will not be harmed by its vacation.

We are the owners (see attached copies of our deeds) of the majority of property adjacent to said road. We also agree to pay into the Sevier County Fund, the amount of all costs and expenses incurred in the examination, report, and all proceedings pertaining to such petition to vacate and abandon. We further agree to compensate the county for the vacated road, if public expenditures were made in acquisition, improvement, or maintenance, or if the Board of County Commissioners makes the requirement because of benefit derived from the vacation.

SAMPLE LETTER
TO GOVERNMENT AGENCIES & UTILITY COMPANIES
REGARDING PETITION TO VACATE
SEVIER COUNTY ROAD RIGHTS OF WAY
(To be mailed certified return receipt)

(Today's date)

Agency / Utility Contact Person

Agency / Utility / Company Name

Mailing Address

City, State, Zip

RE: Notice of Proposed Road Right-of-way Vacation

Parcel # _____

To Whom It May Concern:

We intend to submit a Petition to the Sevier County Planning & Zoning and the Board of Commissioners seeking to vacate the public interest in the road right-of-way at the location identified in the attached documents in order to accomplish the following purpose:

The County is aware that you have received this letter and will confirm that a response was provided. We have included a sketch or drawing of the road right-of-way location I desire to vacate.

If you have any comments on the above proposed transaction, please direct your response to the Sevier County Planning & Zoning (435) 893-0420 250 N Main St, Richfield, UT 84701 and send a copy of your response to me at the address listed below.

Thank you in advance for your consideration.

Signed,

The Petitioner

(Return mailing or email address and daytime telephone number)

Enclosures: Documents identifying location of proposed Road Right of Way Vacation.

**SAMPLE LETTER TO PROPERTY OWNERS OF
NOTIFICATION OF PETITION FOR THE
VACATION OF A SEVIER COUNTY ROAD**
(To be mailed certified return receipt to adjacent property owners)

Date:

On, _____20___, I petitioned through the Sevier County Planning & Zoning and the Board of Commissioners for the vacation of a County road known as _____in Sevier County, Utah.

According to the assessor's records, you own property in the immediate area of the proposed road vacation and may have an interest in this property. A legal description of the right of way is attached along with a map depicting the area (highlighted).

If the County approves the petition, Utah State statutes require that there be a public hearing regarding the road vacation where citizens and other interested parties are able to raise questions or voice concerns. If the Board of County Commissioners approves the petition to vacate all or a portion of said road, the right of way will revert back to the properties in which it originated.

If you have any comments on the above proposed transaction, please direct your response to the Sevier County Planning & Zoning (435) 893-0420 250 N Main St, Richfield, UT 84701 and send a copy of your response to me at the address listed below.

Sincerely,
(Signature)

Name, Mailing Address and Phone Number:
(Best Time to Call)

**SEVIER COUNTY
PUBLIC NOTICE SIGNS
READ COMPLETELY AND CAREFULLY**

Sevier County Road Rights of Way Petition to Vacate application requires that the applicant erect public notice signs on or near the subject property.

Failure to have the signs in place by the deadline time will result in a denial or delay of the Petition to Vacate process and additional charges to re-notice the application.

Posting the Sign

1. Location of the signs shall be _____
2. Obtain the appropriate number of public notice signs, designed according to the size and specifications shown below.
3. Erect the sign(s) by solidly setting the posts at least 15-inches into the ground. The sign(s) must be placed in a location clearly visible and accessible from the adjacent road rights-of-way.
4. On the same day that the signs are erected, notify Sevier County Road Dept. to approve the location of the sign(s) by phone (435) 896-4831 or by email cquitter@sevier.utah.gov. Signs will be visually inspected for compliance.
5. The signs shall remain in place until after all public hearings have taken place and a decision has been made by the Board of Commissioners.
6. After the final decision has been made regarding the Petition to Vacate a Sevier County Road Rights of Way, the Applicant shall remove the signs from the site within seven 7 calendar days.

SEVIER COUNTY PUBLIC NOTICE SIGN SPECIFICATION

All Public Notice Sign Specifications shall be at the Road Supervisor's discretion and shall depend on the amount of information necessary and the location of the sign due to adverse conditions.

Generally, Public Notice signs shall be a minimum of 3 feet by 3 feet and be mounted to two 8 foot wood or metal posts planted 15 inches below grade. The Title lettering size shall be 2 inches tall & the body lettering size shall be 1 inch tall black on white background. (Sign size will be dependent on information to be posted on the sign).

It is suggested to review sign layout & placement locations with Road Supervisor before buying signs and to Blue Stake location that signs will be installed. If signs are not to be located on Applicant's property, be sure to get permission from land owner where sign will be located.

SAMPLE

SEVIER COUNTY

PROPOSED ROAD VACATION

Public Hearing Date

*Location & Description of
Proposed Road Vacation*

GPS Lat/Long Coordinates

Legible Map of Road Location

Contact Sevier County

Planning & Zoning (435) 893-0420

Check List/Required Documents

Notice: Sevier County may request additional supporting documentation.

- 1. Filing Fee [PAID]
- 2. Submit Completed Petition to Vacate Application
- 3. Professional Legal description and Location of road right-of-way (ROW) to be vacated.
Prepare a description of a specified area.
- 4. Aerial Map
An aerial map encompassing the area to be vacated with the proposed road being vacated marked including the adjacent parcels being affected.
The applicant can utilize the County's GIS website to produce this map.
Click Here: [Sevier County GIS Data \(arcgis.com\)](http://seviercountygis.com)
- 5. Proof of Ownership of the Underlying Property
Submit proof of ownership, for example, a recorded Warranty Deed.
- 6. Reason and Purpose for Request
Statement providing the reason and purpose for the requested vacation.
- 7. Proof of Notification to surrounding & affected Property Owners. Along with any return correspondence. Provide Certified Return Receipt Service from the Postal Service.
- 8. Proof of Notification to Utility Companies or other applicable organizations along with any return correspondence. Power, Gas, Water, Sewer, Telephone, Cable, Irrigation/Canal Companies, etc.
- 9. Proof of Notification to Government Agencies along with any return correspondence.
UDOT, Bureau of Land Management, Forest Service, State Institutional Trust Lands, Tribal Lands, Municipalities, Utah Dept. of Natural Resources, etc.
- 10. Public Notice Signs
You are responsible for obtaining & erecting public notice signs on the road being petitioned to be vacated. You will need to provide for and erect public notice signs at least 22 calendar days before each public hearing. (See Attached Public Notice Sign Sample)
- 11. Public Notice Signs Removal
You are responsible for removing all public notice signs within 7 days of the road vacating decision.

SEVIER COUNTY ROAD VACATING PETITION FLOW CHART

Time to process the application will depend on workload and/or road vacation issues.

