

COUNCIL POLICY STATEMENT

Policy No.: 10
General Subject: Public Works
Specific Subject: Street and Alley Vacations
Date Approved: September 2, 1975
Date Amended: November 21, 1977
July 17, 1978
March 21, 1983
October 3, 1988

PURPOSE

To provide a standard method for vacating streets or alleys.

RATIONALE

A public street or alley is established because of plans to use it as a public way and/or to use the right-of-way for water, sewer, electric, gas or telephone facilities.

POLICY STATEMENT

Although a physical street or alley may not have been constructed, the right-of-way exists because of planned developments, expansion, or improvements necessitating the right-of-way. A particular right-of-way may possess value to the City forever and the City may require compensation for the value of the property vacated. It is necessary to follow a standard procedure for vacating streets and alleys in order to prevent a vacation without full consideration being given to all existing and potential ramifications.

PROCEDURES

These procedures are intended primarily for situations in which a vacation is requested by one or more abutting property owners. In other circumstances, such as when a vacation is proposed as part of a development project, modification of these procedures may be appropriate.

1. A pre-application meeting is optional. Before the submission of a request for a street or alley vacation, the applicant may meet with the staff of the Department of Public Works, and if appropriate, the Department of Community Preservation and Development. The applicant is encouraged to do so in order to be informed of City policies regarding street and alley vacations and to have explained the application submission requirements and procedures.
2. An application for a street or alley vacation shall be submitted to the Department of Public Works and must include the following:
 - a. Application (may be obtained from the Public Works Department) for street or alley vacation identifying the area to be vacated, the property owner(s) making the

request, the reasons for the vacation and any property owners abutting the proposed vacation who are not participating in the application.

- b. Copy of the plat of subdivision or deed showing the dedication of the property to the City (This is to determine how the City received title to the property and any conditions of conveyance which may be attached to the dedication, i.e. "...if not used by the City, the property shall revert to...").
- c. A schematic site development plan indicating the intended use of the property to be vacated and showing all improvements to be made on the property, if any.
- d. Statements from all utility companies indicating their intentions with regard to retention or abandonment of easement rights along the street or alley proposed for vacation, if any.
- e. A survey showing proposed street or alley vacation, all lots, streets, alleys (including curbs, gutters, pavement width, and sidewalks), utility easements, and buildings in the vicinity of the proposed vacation. The scale shall not be less than one inch equals fifty feet.
- f. Notice of certified mailing to all abutting property owners not participating in the application notifying them of the proposed street or alley vacation of the date of the next regular meeting of the Public Works Committee.

A copy of the application and related documents shall be sent to the Public Works Committee and be placed on its agenda. The City Attorney shall also receive a copy of the application.

Public Works Committee Review - The Public Works Committee shall review the request for vacation as it relates to local traffic considerations, utility easements, drainage and Public Works services such as snow removal, garbage collection, public access, and installation of utilities, roadway improvements, and any other matter. If the Public Works Committee votes to approve the vacation, it shall forward the matter to the City Council with a motion to direct the City Attorney to proceed with steps to declare the property be disposed of by vacation, subject to any conditions it may deem appropriate. If, however, the Public Works Committee feels that the application should be reviewed by the Planning and Zoning Commission, it may, on a motion, refer the matter to that body.

Planning and Zoning Commission Review - If the matter is referred to the Planning and Zoning Commission, the Commission shall review the request for vacation as it relates to the goals, objectives and recommendations contained in the Comprehensive Plan, compatibility with adjacent land uses, potential rezoning of the vacated street, aesthetic considerations and other related issues. The Planning and Zoning Commission may, on a motion, refer the matter back to the Public Works Committee with its recommendations for further appropriate action. If the Planning and Zoning Commission votes to approve the vacation, it shall forward the matter to the City Council with a motion to direct the City Attorney to proceed with steps to declare the property be disposed of by vacation, subject to any conditions it may deem appropriate.

City Attorney - Upon receiving City Council direction to proceed with the vacation, the City Attorney shall review it to determine whether it complies with all applicable laws and regulations. The City Attorney shall require the applicant to deposit with the City funds sufficient to pay the cost of property appraisal and shall cause such appraisal to be conducted. The findings or recommendations of the City Attorney shall, at the appropriate time, be reported to the Finance and Budget Committee.

Finance and Budget Committee - Upon receiving the appraisal from the City Attorney, the Finance Committee shall determine the appropriate compensation, if any. In making that determination, the Finance Committee shall take into account benefits to be derived from the vacation by both the City and the applicant. The Finance Committee shall forward its recommendation for compensation, if any, to the City Council.

Preliminary City Council Action - Upon a motion from the Finance Committee regarding compensation and for preparation of an ordinance to vacate the property, the City Council shall take such action as it may deem appropriate and may direct the City Attorney to prepare an ordinance vacating the street or alley on such terms or conditions as it may specify.

Plat of Vacation - If the City Council directs the City Attorney to prepare an ordinance of vacation, the applicant shall prepare and deposit a Plat of Vacation. The Plat shall be drawn to scale on blue reproducible linen suitable for recording and be accompanied by ten (10) printed copies.

The Plat shall include the following:

1. a surveyor's drawing showing the property to be vacated;
2. legal description;
3. reservation of necessary easements, if any;
4. all certificates, seals and signatures required for the vacation in question and the recording of same.

The applicant shall also deposit with the City Attorney any required fees.

Final City Council Action - Upon notification from the City Attorney that all required documents and fees have been received, the City Council shall take action on the ordinance vacating the street or alley. Council approval shall require a three-fourths vote.

Recording of Plat - If the ordinance of vacation is enacted, the applicant shall secure the necessary signatures on the Plat of Vacation. The applicant shall then record the Plat of Vacation with the Cook County Recorder of Deeds or with the Registrar of Titles if the property is registered in Torrens. The vacation shall not be valid until so recorded or registered. The applicant shall certify to the City Attorney that recording or registration has been performed.