



Easement Vacation Application

(Not Part of Subdivision Amendment)

***All sections of this application must be filled out and fees paid upon submittal or application will be deemed incomplete.**

Name of Subdivision: _____ Address/Location: _____

Tax ID/Parcel Number: _____ Current Zoning: _____ Lot Number: _____ Easement Dimension: _____

Subdivision Type (please circle one): Residential Commercial Industrial

Purpose of vacating easement: _____

Name(s) of Applicant(s) or Authorized Agent(s): _____

Mailing Address: _____ City, State, Zip: _____

Phone: _____ Fax: _____ Email: _____

Name(s) of Property Owner(s) (if other than applicant): _____

Mailing Address: _____ City, State, Zip: _____

Phone: _____ Fax: _____ Email: _____

Name of Engineer/Surveyor: _____ Company: _____

Mailing Address: _____ City, State, Zip: _____

Phone: _____ Fax: _____ Email: _____

Applicant Certification:

I certify under penalty of perjury that this application and all information submitted as a part of this application is true, complete, and accurate to the best of my knowledge. I also acknowledge that I have reviewed the Brigham City Subdivision Ordinance and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses. I agree also to comply with any and all applicable City Ordinances in effect at this time. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Brigham City may rescind any approval, or take any other legal or appropriate action. I also agree to allow the Staff, Planning Commission, or City Council or appointed agent(s) of the City to enter the subject property to make any necessary inspections thereof. I also understand the property owner or the authorized agent will be billed for engineering fees in excess of one hour and will be responsible for repayment of those fees.

Signature: _____ Date: _____

Please note: Attendance at the City Council meeting is required by the applicant or a representative. It is the applicant's responsibility to call for meeting date and time.

Office Use Only

Application # _____ Application Fee \$100.00^{ac}
Date Received _____
Receipt Number _____
CC Mtg Date _____

^a This fee includes 1-hour of Engineer fees (no refund for projects taking less than 1-hour).
^b Engineering fees in excess of 1-hour will be reimbursed by the applicant monthly to the City for the actual cost. A financial guarantee shall be made to the City through a cash deposit in the amount of \$500 due at the time of application. Upon final completion of the project, this guarantee will be refunded to the applicant upon final approval of the City and payment of the final engineering bill.
^c Applicable Engineering fees in excess of 1-hour will be reimbursed by the applicant monthly to the City for the actual cost.

PROPERTY OWNER

*IMPORTANT - ALL property owners of record MUST sign this form – use additional forms as necessary

I, (we) _____, declare that I, (we) am (are) the owner(s)* of the property identified in the attached application.

*May be owner of record, contract owner, party to valid real estate purchase contract, party to valid earnest money agreement, option holder or have other legal control of property.

(Property Owner)

(Property Owner)

State of _____

County of _____

On _____, 20____, _____ personally appeared before me,

- _____ who is personally known to me
- _____ whose identity I proved on the basis of _____
- _____ whose identity I proved on the oath/affirmation of _____,
a credible witness

the signer of the above document, and he/she acknowledged that he/she signed it.

Notary Public

PROPERTY OWNER PERMISSION

*IMPORTANT - ALL property owners of record MUST sign this form – use additional forms as necessary

I, (we) _____, the owner(s) of the property described in the attached application, give _____ permission to use the property listed in the attached application for the purpose named in the attached application.

(Property Owner)

(Property Owner)

State of _____

County of _____

On _____, 20____, _____ personally appeared before me,

- _____ who is personally known to me
- _____ whose identity I proved on the basis of _____
- _____ whose identity I proved on the oath/affirmation of _____,
a credible witness

the signer of the above document, and he/she acknowledged that he/she signed it.

Notary Public

VACATE UTILITY EASEMENT – PROCESS

Optional:

- Submit a **Sketch Plan Application** with a plot plan explaining what you would like to do. The purpose of a Sketch Plan application is to obtain initial feedback in order to help make a decision on proceeding with a certain application. With some applications this is a required step. In this case it is only optional depending on your timing. There is no filing fee.
- The Sketch Plan is reviewed by applicable City departments. Comments are provided back to the applicant.

Required:

- Submit the **Easement Vacation Application, plot plan, filing fee, and legal description with exhibit.**

***Note:** You can submit the legal description after the staff review. The City will need the legal description at least two weeks prior to the City Council meeting. The City Council request item has to be submitted to the City Recorder a week before the Council meeting to be placed on the Council Agenda and in order for Council members packets to be compiled. The request item material has to be reviewed and signed off by the Department Supervisor and Director, City Administrator, and City Attorney prior to being turned into the City Recorder.*

- City Staff will review the application and provide a Staff Evaluation (review comments and recommendation) to the City Council. The Staff Evaluation becomes part of the Council's packet. All applicants receive a copy of the Staff Evaluation.
- Notices are mailed to the franchised utility companies for their review and opportunity to respond to the application either in favor or opposition.
- A public hearing is scheduled with the City Council to consider vacating the easement. By State Law, the notice has to be published in the local paper at least 10 days prior to the scheduled Council meeting.
- The City Council holds the public hearing and either approves or denies the petition to vacate the easement. Approval to vacate an easement is done by ordinance and the referenced legal description becomes an attached exhibit to be recorded at the Box Elder County Recorder's office. There is a recording cost with the County to be paid by the applicant.