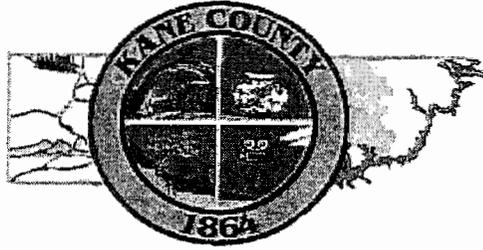


Kane County Planning and Zoning Commission
130 West 300 North Kanab, 84741
ph. 435.644.4966
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Procedures for Vacating or Amending a Subdivision Plat

The following requirements shall be met in order for a vacation or amendment to a subdivision to be scheduled for the Kane County Planning and Zoning Commission agenda.

1. Applicant must be a title owner of property in the said plat or have power of attorney to act on behalf of owner.
2. Provide the names and addresses of all property owners in said plat.
3. Pay the required \$300, non-refundable, application fee, plus \$10 for each notice mailed out to property owners.
4. Pay the required \$500 engineering deposit (shall be paid before engineering review will take place). The engineering depcsit will be held in escrow; any unused portion will be refunded. If the escrow account reaches 20% of the original \$500 an additional engineering deposit shall be required.
5. Submit the plat to the County Engineer for review.

In accordance with LUDMA a public hearing shall be scheduled before the Kane County Planning and Zoning Commission.

Any application that is incomplete will not be scheduled for the Kane County Planning and Zoning Commission agenda.

Fee: _____
Paid: _____
List of Prop. Owners: _____

REQUEST FOR VACATING OR AMENDING A SUBDIVISION PLAT

Property Owner's Name: _____

Date: _____ Address: _____

Phone: _____ Cell Phone: _____ Fax: _____

City: _____ State: _____ Zip Code: _____

Location and Legal Description of Subdivision Plat:

Reason for Vacating or Amending the Subdivision Plat:

I (We) certify that the proposed subdivision plat will conform to the Kane County Subdivision Ordinance and that no changes will be made without prior approval.

Signature of Owner: _____

Planning Commission Action: Approve _____ Deny _____

Comments: _____

Planning Commission Chairman _____ Date _____

5-15 Vacating or Changing a Subdivision Plat

(1)(a) Subject to Subsection (2), Kane County Commission may, with or without a petition, consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot or alley contained in a subdivision plat at a public hearing.

(b) If a petition is filed, the Kane County Commission shall hold the public hearing within 45 days after receipt of the Planning Commission's recommendation under Subsection (2) if:

- (i) the plat change includes the vacation of a public street or alley;
- (ii) any owner within the plat notifies the municipality of the objection in writing within ten days of the mailed notification; or
- (iii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

(2)(a) Before the Kane County Commission may consider a proposed vacation, alteration, or amendment under Subsection (1)(a) or (6), the Kane County Commission shall refer the proposal to the Planning Commission for its recommendation.

(3) Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition the county executive to have the plat, any portion of it, or any street or lot contained it it, vacated, altered, or amended as provided in this section.

(4) Each petition to vacate, alter, or amend an entire plat, a portion of the plat, or a street or lot contained in a plat shall include:

(a) the name address of all owners of record of the land contained in the entire plat;

(b) the name address of all owners of record of land adjacent to any street that is proposed to be vacated, altered or amended; and

(c) the signature of each of these owners who consents to the petition.

(5) (a) A petition that lacks consent of all owners referred to in Subsection (4) may not be scheduled for consideration at a public hearing before the responsible officer until the notice required by this part is given.

(b) The petitioner shall pay the costs of this notice.

(6) Subject to Subsection (2), if the responsible body or officer proposes to vacate, alter, or amend a subdivision plat, or any street or lot contained in a subdivision plat, they shall consider the issue at a public hearing after giving the notice required by this part.

(7) (a) The owners of record of adjacent parcels that are described either a metes and bounds description or a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the Planning Commission.

(b) The Planning Commission shall approve an exchange of title under Subsection (7)(a) if:

(i) no new dwelling lot or housing unit will result from the exchange of title; and

(ii) the exchange of title will not result in a violation of applicable zoning requirements.