



VACATION APPLICATION CHECKLIST

11955 Champlin Drive / Champlin, MN 55316 / Phone: 763-923-7104 / www.ci.champlin.mn.us

For the City of Champlin to accept an application submittal, all of the following information shall be submitted at least 30 days prior to the City Council meeting date. If you should have any questions on the application, please contact Community Development at 763-923-7104 or lsmith@ci.champlin.mn.us.

Process

1. Obtain application form and information from Community Development Department.
2. Review meeting schedule, application deadlines, relevant City Code, and pre-application materials and contact Community Development prior to the application deadline.
3. Submit application including the application form, fee and all other items included on the checklist below.
4. **Vacation** approvals require a public hearing at the City Council. The applicant or applicant's agent shall attend the City Council meeting which addresses this project.
5. City will record the vacation with Hennepin County.

Relevant City Code Chapter 50 Streets, Sidewalks and other Public Places

Vacation is a legislative act by which a city gives up rights it has over an existing easement for use by the public.

Sec. 50-94. - Right-of-way vacation:

https://library.municode.com/mn/champlin/codes/code_of_ordinances?nodeId=PTIGEOR_CH50STSIOTPUL_ARTIVRI-WMA_DIV1GE_S50-94RI-WVA

Sec. 50-94. - Right-of-way vacation.

- (a) If the city vacates a right-of-way that contains the facilities of a registrant, the registrant's rights in the vacated right-of-way shall be governed by Minnesota Public Utility Commission rule 7819.3200.(b) If the vacation requires the relocation of registrant or permittee equipment and:
 - (1) If the vacation proceedings are initiated by the registrant or permittee, the registrant or permittee must pay the relocation costs;
 - (2) If the vacation proceedings are initiated by the city, the registrant or permittee must pay the relocation costs unless otherwise agreed to by the city and the registrant or permittee; or

(3) If the vacation proceedings are initiated by a person or persons other than the registrant or permittee such other person or persons must pay the relocation costs.

Relevant MN Rules

7819.3200 RIGHT-OF-WAY VACATION.

Subpart 1. Reservation of right. If the local government unit vacates a right-of-way that contains the facilities of a right-of-way user and the right-of-way vacation does not require the relocation of the right-of-way user's facilities, the local government unit shall, except when it would not be in the public interest, reserve to and for itself and all right-of-way users having facilities in the vacated right-of-way, the right to install, maintain, and operate facilities in the vacated right-of-way and to enter upon the right-of-way at any time to reconstruct, inspect, maintain, or repair the facilities.

Summary: The City Council may vacate a street only upon a finding that the vacation is "in the interest of the public." This means the public must benefit, in some manner, from the vacation. The public includes persons other than those in the immediate vicinity of the vacation. A private benefit derived from the vacation does not bar the vacation, so long as a concurrent benefit to the public can be substantiated.

§Subp. 2. Relocation of facilities. If the local government unit vacates a right-of-way that contains the facilities of a right-of-way user and the right-of-way vacation requires the relocation of the right-of-way user's facilities, payment of the relocation costs must be determined as follows: (1) if the vacation proceedings are initiated by the right-of-way user, the right-of-way user must pay the relocation costs; (2) if the vacation proceedings are initiated by the local government unit for a public project, the right-of-way user must pay the relocation costs unless otherwise agreed to by the local government unit and the right-of-way user; or (3) if the vacation proceedings are initiated for the purpose of benefiting a person other than the right-of-way user, the benefited person must pay the relocation costs.

Submittal Checklist

The City reserves the right to request additional information based on the individual circumstances of each application.

1. Submission of a completed application form
2. Application fee
 - a. Fee: \$300
3. Narrative describing the vacation request signed by subject property owner and if multiple properties are affected by the vacation request, a petition containing signatures of a majority of the landowners abutting the street to be vacated.
4. Reimbursement agreement.
5. Scaled drawings showing the location and area of the proposed vacation and abutting property including:
 - a. Legal description of property
 - b. Names and addresses of the owner, and any agent having control of the land, subdivider, surveyor, engineer
 - c. Graphic scale
 - d. North point
 - e. Date of preparation
 - f. Existing and Proposed:
 - i. Boundary line survey, including measured distances and angles

- ii. Existing easements
- iii. Total acreage
- iv. Location, right-of-way width, and names of existing or platted streets or other public right-of-ways
- v. Parks, trails, sidewalks, or other public land
- vi. Buildings and structures
- vii. Section and corporate lines within the plan, and to a distance of 100 feet beyond, shall also be indicated
- viii. Location and size of utilities

6. Vacation Exhibit (Right-or-Way or Easement)

Process Following Application Submittal

After receipt, your application will be evaluated by City staff. The criteria for this evaluation will be the degree of compliance between the proposal and City Code, which specifies the grounds for granting a **vacation**. The City will prepare comments and recommendations regarding the application.

Information regarding your request will be sent to property owners within 350-500 feet of your property prior to the meeting for which you are scheduled. You will receive a copy of the report prior to the meeting.

At the public hearing, the City will present the report and the recommendations. You will be given an opportunity to address the City Council and make any comments. Next, the City Council will open the public hearing and allow for any additional testimony. After questions and comments, the City Council will act on the request at their meeting.

The following article by the League of Minnesota Cities gives further insight into this process:

<https://www.lmc.org/wp-content/uploads/documents/Vacation-of-City-Streets.pdf>