

## CHECKLIST FOR PERMANENT STREET CLOSURE

§143-37 Permanent Closure (Please review before submission)

A public street or alley may be permanently closed if the following procedures are met:

Yes    No

       Application submitted. (Request may be on motion from the Town Council or on written application of any person to the town manager, or his/her designated representative.

       Does the request provide information on why the street or alley should be closed?

**Reasons:** \_\_\_\_\_

       Does the request provide the impact on neighboring property and the benefit of closure to the town?

**Impact on Neighboring Real Estate:** \_\_\_\_\_

**Town Benefits:** \_\_\_\_\_

       Does the application contain the signatures of all abutting property owners along the public street or alley stating their approval of the closure?

**Owner Name (print):** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Comment:** \_\_\_\_\_

**Date:** \_\_\_\_\_

If more space is needed attach another sheet

       Has a fee of one hundred (\$100.00) been paid to the Town for the processing of the application for the vacation of any public street or alley? (The application shall not be received unless such fee is paid at the time the application is filed.)

       Has the town manager, or his/her designated representative, certified that the street/alley has no useful purpose to the town or its residents by nature of current use, zoning, cost of closing, or point of origin and/or destination?

**Mayor:** \_\_\_\_\_

- A notice of the intention to vacate a public street or alley must be published at least twice, with at least six (6) days elapsing between first and second publication, in a newspaper having general circulation in the locality. The notice shall specify the time and place of a hearing at which persons affected may appear and be heard. The cost of publishing the notice shall be taxed to the applicant. Has this matter been advertised?
- Has the matter been reviewed by the Planning Commission, the Elkton Police Department and the Elkton Volunteer Fire Company for their comments and recommendations?

Planning Commission: \_\_\_\_\_

EVFD: \_\_\_\_\_

EPD: \_\_\_\_\_

- After the public hearing review by the other departments and after all affected land owners along the public street or alley have been notified, the Planning Commission will forward their recommendation to the Town Council. Has a recommendation been made?

**After receiving a recommendation from the Planning Commission the Town Council may discontinue the public street or alley.**

**Unless otherwise provided by the Town Council, as a condition of the vacation of any public street or alley, the abutting property owner or owners, shall:**

**(1) provide the town with a certified survey of the public street or alley; and**

**(2) purchase from the Town such abutting property owner's fractional portion of the public street or alley.** The price shall be no greater than the property's fair market value or its contributory value to the abutting property, whichever is greater, or the amount agreed to by the parties. No such vacation shall be concluded until the agreed price has been paid. If any abutting property owner does not pay for such owner's fractional portion within one year, or other time period made a condition of the vacation, then the vacation shall be void, unless another abutting property owner whose property must be contiguous, purchases the unpaid fractional portion.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Contact Information: \_\_\_\_\_

\_\_\_\_\_