

## RIGHT-OF-WAY VACATION APPLICATION

### A. GENERAL INFORMATION

1. One submittal packet is required for Completeness/Sufficiency Review.
2. Once the application is deemed complete by Development Services (DS), the applicant shall submit a final hard copy of the application and appropriate review fee.
3. Proposed Right-of-Way Vacation:
4. Name(s) of Applicant(s):  
Mailing Address  
Telephone Number  
Email Address
5. Name(s) of all Owners of Record  
Adjacent to Right-of-Way:  
Mailing Address  
Telephone Number  
Email Address
6. Name and Company & Representative:  
Mailing Address  
Telephone Number  
Email Address
7. If the applicant is someone other than the adjacent property owner, the titled owner(s) must also sign the application in the space provided below.

Certification: I hereby certify that the foregoing information contained or accompanied in this application is true and correct to the best of my knowledge.

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**Applicant's Signature -**

**Date**

**As owner(s) of property adjacent to a plat dedicated public right-of-way entitled to certain adjacent vacated public right-of-way pursuant to sections 70-16-202 and 70-20-307 MCA, we/I hereby knowingly voluntarily waive any and all ownership claim to the vacated adjacent public right of way. Our/my signature signifies our/my voluntary, knowingly, understanding intent and approval that any and all vacated dedicated public right-of-way that we/I might have any ownership entitlement to is hereby to be granted, gifted, given or transferred to the City of Missoula for use as parkland. We/I waive and make no ownership or compensation claim to any such lands as legally described elsewhere in this document.**

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**Owner's Signature -**

**Date**

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**Representative's Signature -**

**Date**

**B. SUBJECT PROPERTY INFORMATION**

1. General location of proposed right(s)-of-way vacation:
  
2. Complete Legal Description(s) of adjacent property:
  
3. Geocode(s) of adjacent property:

**C. RESPONSES TO TITLE 12, SECTION 12.04 STREET VACATION**

1. When any request to vacate or close any public right-of-way is made, the initiator of the request to vacate or close any right-of-way is responsible for contacting all property owners adjacent to the right-of-way proposed vacation or closure to solicit their signatures upon the petition. If signatures of any of the adjacent property owners are not provided the initiator of the request must provide the reasons for the lack of any property owner's signature on the petition for the vacation or closure.
2. Provide the following information and exhibits:
  - a. A site-specific evaluation explaining the reasons of the proposed public right-of-way vacation;
  
  - b. A description of the intended usage and goals of the public right-of-way if the vacation is approved, including a site plan;
  
  - c. A review of the existing utilities occupying any portion of the proposed public right-of-way vacation area, including a utility exhibit;
  
  - d. An evaluation of other alternatives explored other than vacating right-of-way, including, but not limited to, zoning variances, adjacent land use, design modifications, and/or a partial right-

of-way vacation or closure;

- e. Provide an analysis of potential tax impacts to the affected properties adjacent to the right-of-way proposed for vacation; and
- f. A description of public benefits the property owner(s) adjacent to the proposed right-of-way vacation are willing to consider in exchange for the approval of the vacation, e.g. any public improvements, easements, walkways, bicycle paths, etc.

#### **D. ATTACHMENTS**

As separate attachments (8.5" x 11" or 11" x 17"), provide the following materials with the site clearly identified. Required information may be combined on one attachment as long as the information is clearly presented. Please check the box if the material is included in the packet. If the material is not included in the submittal packet, please note "N/A"

Petition to Vacate the subject right(s)-of-way.

A utility map showing all utilities within and surrounding the proposed right(s)-of-way vacation.

A cover letter describing the purpose of the proposed right(s)-of-way vacation, existing site conditions, and a brief description of the proposed project.

A vicinity map showing the proposed right(s)-of-way vacation and the area within 300.

An aerial photo showing the subject right(s)-of-way.

The current plat(s) containing the subject right(s)-of-way and any easements.

Site plans and building elevation drawings of the proposed project associated with the right(s)-of-way vacation.

A Zoning map of the surrounding property extending at least 300 feet from the subject right(s)-of-way.

A land use map of the applicable vicinity and regional plans.

Return to: City Clerk  
City of Missoula  
435 Ryman Street  
Missoula MT 59802-4297

PETITION NO. \_\_\_\_\_  
BEFORE THE CITY COUNCIL  
OF THE  
CITY OF MISSOULA

**PETITION TO VACATE PUBLIC RIGHT-OF-WAY**

**COME NOW the undersigned and respectfully petition** the City Council of the City of Missoula to consider VACATING the herein described public right-of-way.

The petitioner(s) hereby:

1. Agrees to comply with any conditions described in the resolution that VACATES the herein described public right-of-way; and
2. Recognizes the fact that non-compliance will result in the VACATION becoming null and void and reverting to public right-of-way.

Petitioner(s) has prepared a submittal package describing the particulars of the request according to Missoula Municipal Code 12.04 and have attached the same to this petition for City Council review.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**DESCRIPTION OF RIGHT-OF-WAY SUBJECT TO THIS PETITION:**

