

Chapter 12.60 VACATING STREETS, ALLEYS AND EASEMENTS

Sections:

[12.60.010](#) Petition.

[12.60.020](#) Vacating by ordinance.

[12.60.030](#) Vacating by platting.

Cross References: Planning, Chapters [2.65](#) and [18.05](#) TMC.

12.60.010 Petition.

(a) Petition Requirements. A petition to vacate any street, alley or public reservation, including but not limited to public easements, dedicated building setback lines, access control, and additions or parts thereof, shall include the following:

(1) A completed application form provided by the planning department.

(2) An acknowledgment executed by any adjoining property owner that such property owner has no objection to the petition.

(3) A sufficient survey, diagram, drawing, or description of the street, alley, easement, or other public reservation that is the subject of the petition.

(4) A filing fee of \$250.00.

(b) Filing of Petition – Review. The petition and all required information, including the filing fee, shall be submitted to the planning department. The planning department shall review the petition and solicit comment from applicable city/county departments and public utility agencies with respect to reserving public service interests as authorized by state law.

(c) Notice. Upon finding the petition to be in compliance with the petition requirements, the planning director shall give notice of the same by a publication for two consecutive weeks in the official city newspaper. The notice shall describe the property fully, specifying the certain date and naming the day on which the petition will be presented to the governing body for a hearing thereon, and that at such time and place all persons interested can appear and be heard. Furthermore, the planning department shall notify by mail all property owners affected by the proposed vacation of the date of the hearing thereon, and that at such time and place

all persons interested can appear and be heard. The planning department shall transmit a report and recommendation, including the comments of applicable utilities and agencies, to the city clerk for presentation to the governing body. (Ord. 19816 § 1, 5-7-13.)

Cross References: City council – mayor, Chapter [2.15](#) TMC; planning department, TMC [2.25.210](#).

12.60.020 Vacating by ordinance.

(a) As provided by K.S.A. [12-505](#), if the city council determines that the petition should be granted, the city council shall order by appropriate ordinance that such vacation be made. Said order may include the reservation to the city and the owners of any lesser property rights for public utilities, rights-of-way and easements for public service facilities.

(b) The petition shall not be granted if a written objection thereto is filed with the city clerk at the time of or before the hearing by any owner or adjoining owner who would be a proper party to the petition but has not joined therein.

(c) Upon adoption and publication of any vacation order by ordinance, the city clerk shall certify a copy of such order to the register of deeds for recording.

(d) When any street or alley is vacated it shall revert to the owners of land adjoining on each side in the proportion in which it was originally dedicated or taken, except in cases where such street or alley may have been dedicated or taken for public use in a different proportion, in which case it shall revert to the adjoining land in the same proportion as it was dedicated or taken. (Code 1981 § 40-223. Code 1995 § 130-477.)

Cross References: City council – mayor, Chapter [2.15](#) TMC; city clerk, TMC [2.25.110](#).

12.60.030 Vacating by platting.

Any street, alley or easement may be vacated without further proceedings upon the filing with the register of deeds of any plat or replat which has been approved in the manner prescribed by TMC Title [18](#), Division 3, on subdivision regulations. (Code 1981 § 40-225. Code 1995 § 130-478.)