



**Planning Commission  
Hearing Request:  
Right-of-Way Vacation**

Planning & Zoning Department  
100 Dayton St, 2<sup>nd</sup> Floor  
Yellow Springs, OH 45387  
(937) 767-1702

[FOR OFFICE USE ONLY]

Case #: \_\_\_\_\_  
Application Received: \_\_\_\_\_

**Applicant Information**

Applicant Name:	_____	Phone:	_____	Email:	_____
Mailing Address:	_____				

**Project Information**

Location of Right-of-Way	_____				
Attachments:	<input type="checkbox"/> Map/Survey <input type="checkbox"/> Legal Description <input type="checkbox"/> Petition from all abutting property owners				

**SEE THE REVERSE OF THIS PAGE FOR ADDITIONAL INFORMATION.**

I hereby certify, under penalty of perjury, that all the information provided on this application is true and correct.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

<b>FOR OFFICE USE ONLY</b>		
Date filed: _____	Received at Council Meeting Date: _____	
<input type="checkbox"/> Petition (\$50) <input type="checkbox"/> No Petition (\$100)	Fee \$ _____ <input type="checkbox"/> Paid _____	Zoning District: _____
<b>Planning Commission Action</b>		
	Notice Publication Date: _____	<input type="checkbox"/> Affidavit attached
	Notice mailed to neighbors date : _____	<input type="checkbox"/> Mailing list attached
	Public Hearing Date: _____	<input type="checkbox"/> Minutes Attached
	Recommendation: <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> Modification	
	Recommendation Date: _____	<input type="checkbox"/> Report Attached
<b>Village Council Action:</b>		
	Notice and Map Publication: _____	<input type="checkbox"/> Affidavit attached
	Notice mailed to neighbors date : _____	<input type="checkbox"/> Mailing list attached
	Public Hearing Date: _____	<input type="checkbox"/> Minutes Attached
<b>Council Decision:</b>	Approved <input type="checkbox"/>   Denied <input type="checkbox"/>   Modification <input type="checkbox"/>	
Ordinance#:	_____	Date: _____
	Zoning Official Name and Title	Date

## **CHAPTER 1224**

### **Right-of-Way Vacation Procedure**

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- [1224.01](#) Application; fee.
- [1224.02](#) Planning Commission review.
- [1224.03](#) Village Council action.
- [1224.04](#) Recording.

#### **1224.01 APPLICATION; FEE.**

An applicant seeking the vacation of a right-of-way shall complete an application form and pay a fee as established by the Village Council. The application form and fee shall be filed no later than fourteen days before the Planning Commission meeting at which the matter is to be discussed.

(Ord. 82-1. Passed 1-18-82; Ord. 2016-32. Passed 11-21-16.)

#### **1224.02 PLANNING COMMISSION REVIEW.**

(a) The Yellow Springs Planning Commission shall give notice of a public hearing, ten days in advance, as advertised in the local newspaper. All abutting property owners to the right-of-way in question shall be notified of the public hearing by mail.

(b) The Planning Commission shall render a decision based on the following:

- (1) The relationship between the proposed action and the Yellow Springs Comprehensive Development Plan.
- (2) Staff recommendation concerning such things as present land use, adjacent property access, utility easements and transportation needs.
- (3) Validity of the applicant's reasons for requesting the vacation.
- (4) General citizen reaction to the proposed vacation.
- (5) Abutting property owners' support or lack thereof for the proposed vacation.

(c) The Planning Commission shall forward to the Village Council the petition complete with a recommendation.

(Ord. 82-1. Passed 1-18-82.)

#### **1224.03 VILLAGE COUNCIL ACTION.**

Council action shall be determined by whether or not a petition signed by all property owners is presented.

(a) If such a petition is presented, Council may hold a first reading of an ordinance vacating the right-of-way in question. At that time, a second reading and public hearing shall be scheduled allowing for a ten-day advertising period and written notification of abutting property owners. Following the second reading Council shall make a decision considering those items listed in Section [1224.02](#)(b) and the Planning Commission's recommendation to approve or deny.

(b) If there is no petition then all conditions as specified under subsection (a) hereof shall be followed, except that there shall be a total of six weeks of advertising between the first reading of the ordinance and the second reading.

(Ord. 82-1. Passed 1-18-82.)

#### **1224.04 RECORDING.**

(a) Thirty days after Council's approval of a vacation, the Village Manager's office shall officially record the vacation at the County Recorder's office.

(b) If the vacation is denied, the applicant shall not be allowed to petition for the vacation of the same right-of-way for a period of one calendar year.

(Ord. 82-1. Passed 1-18-82.)