

Ch. 130, Legislative Code, Procedure for Vacating Streets

Summary of Proposed Amendments

Office of Financial Services – Real Estate Section (with City Attorney review and approval)

August 7, 2025

Purpose of the ordinance amendment:

To clarify, update and simplify the City's right-of-way vacation ordinance with the goal of improving the vacation procedures for the benefit of elected officials, city administrative staff and property owners who petition for the vacations. No new laws or legal requirements are being created by the amendment.

Sec. 130.01 – Definitions

- Adds new definitions to more precisely specify terms used throughout the ordinance

Sec. 130.02 – Procedure for initiating proceedings

- Clarifies and adds precision to terms associated with property owner petitions to vacate right-of-way

Sec. 130.03 – Verified petitions and filing expense

- Clarifies requirements for petitions and costs to petitioners

Sec. 130.04 – Public hearing

- Clarifies steps taken by Real Estate staff to seek input on petitioned vacations from city departments and public and private utilities
- Allows an extension – by agreement of the City and petitioner – on the 60-day turnaround from petition submission to Council approval
- Clarifies when the vacation becomes effective, i.e., when the petitioner complies with all terms and conditions established in the vacation resolution

Sec. 130.05 – Terms and conditions of vacation

- **This section reflects the key substantive changes that prompted revision of the ordinance:**
 - Clarifies that when the City vacates or terminates its right-of-way easement rights, any other easement rights the city or public and private utilities may have in the right-of-way are also terminated unless the affected entity specifically reserves its rights, or OFS/Real Estate determines that a utility has existing facilities located in the vacation area, or the utility is a city franchisee
 - Clarifies language for costs to petitioners for the vacation
 - Removes the petitioner requirement to file a bond but gives Council the right to require one. Also, clarifies language requiring the petitioner to indemnify the City
 - Eliminates unnecessary, complicated and archaic text
 - Clarifies the timeframe for a petitioner to submit a signed compliance form after Council approval of the vacation (60 days), and allowing up to a 60-day extension

Sec. 130.06 – Waiver of retained easements

- Reorganizes and clarifies the language permitting the later release of conditions or utility easement rights that were retained in a previous vacation resolution

Sec. 130.07 – Certificate of completion

- Clarifies that when a petitioner signs a compliance form stating the petitioner will comply with all terms and conditions of the vacation resolution, Real Estate will file a certified copy of the resolution with the county recorder's office

Sec. 130.08 – Rescission of resolutions – Failure to comply with conditions

- Clarifies the requirements to rescind a Council-adopted vacation resolution if the petitioner fails to comply with the resolution conditions within a 60-day time period or permitted extension.