

CITY OF KOTZEBUE
VACATION FORM¹



Please **PRINT** unless otherwise specified:

Applicant's Name: _____

Applicant's Mailing Address: _____

Applicant's Phone Number: _____

Applicant's/Representative's Cell Number: _____

Applicant's/Representative's E-mail Address: _____

Applicant's Representative's Name and Title (if Applicant is not an individual):

Description/Name of Area Requested to be Vacated: _____

Detailed Statement of Reason in Support of Proposed Vacation of Area: _____

¹ Vacation Procedures are governed by Section 18.300 of the City of Kotzebue Subdivision Regulations. Fees for a Vacation are set by Section 18.014 of the City of Kotzebue Subdivision Regulations. Definitions applicable to the Subdivision Regulations are found in Section 18.020 of the City of Kotzebue Subdivision Regulations. Copies of Sections 18.014, 18.020 and 18.300 are attached hereto and incorporated by reference herein.

Detailed Statement of Proposed Use of Area Requested to be Vacated: _____

RIGHT-OF-WAY VACATION INFORMATION
[if applicable]

Length of Right-of-Way to be vacated: _____

Width of Right-of-Way to be vacated: _____

Existing Right-of-Way: Improved

 Unimproved

If improved, please state the function of the road and all access points along the Right-of-Way:

Please indicate whether the vacation is a complete or partial vacation of the Right-of-Way. If partial, describe the beginning and end of the Right-of-Way section to be vacated:

Please describe how the Right-of-Way is no longer necessary for public use or how the public will be enhanced by the vacation:

Are there any utilities within the Right-of-Way? If so, can the utilities be relocated? If so, will the Applicant pay for the relocation? (Provide a letter from each of the specific utilities authorizing vacation/relocation of any utilities.)

OWNER

Names of Owner(s) of area requested to be vacated: _____

Mailing Address(es) of Owner(s) of area requested to be vacated: _____

FEE

An Application Fee of \$200.00 must be pre-paid at City Hall and a Receipt showing such payment must accompany this Application.

OWNERS OF PROPERTY FRONTING/ABUTTING AREA
SOUGHT TO BE VACATED

Pursuant to Section 18.300(d)(1), a majority of the Owners of the land fronting/abutting the property sought to be vacated must consent to/approve the vacation. The Owners of the land fronting/abutting the property sought to be vacated are:

OWNER #1

Owner's Name: _____

Owner's Mailing Address: _____

Description of Owner #1 Property: _____

CONSENT TO VACATION

I am the Owner of property fronting/abutting the property sought to be vacated, as described above. I hereby consent to/approve the vacation sought herein.

Dated: _____

Name: _____
[Printed]

Name: _____
[Signed]

If the person named above is a Representative,² indicate Title: _____
[Representative's Title]

² A Representative who signs this form swears under penalty of perjury that he/she has the authority to sign on behalf of and bind the entity for which he/she is signing.

OWNERS OF PROPERTY FRONTING/ABUTTING AREA
SOUGHT TO BE VACATED

Pursuant to Section 18.300(d)(1), a majority of the Owners of the land fronting/abutting the property sought to be vacated must consent to/approve the vacation. The Owners of the land fronting/abutting the property sought to be vacated are:

OWNER #2

Owner's Name: _____

Owner's Mailing Address: _____

Description of Owner #1 Property: _____

CONSENT TO VACATION

I am the Owner of property fronting/abutting the property sought to be vacated, as described above. I hereby consent to/approve the vacation sought herein.

Dated: _____

Name: _____
[Printed]

Name: _____
[Signed]

If the person named above is a Representative,³ indicate Title: _____
[Representative's Title]

³ A Representative who signs this form swears under penalty of perjury that he/she has the authority to sign on behalf of and bind the entity for which he/she is signing.

OWNERS OF PROPERTY FRONTING/ABUTTING AREA
SOUGHT TO BE VACATED

Pursuant to Section 18.300(d)(1), a majority of the Owners of the land fronting/abutting the property sought to be vacated must consent to/approve the vacation. The Owners of the land fronting/abutting the property sought to be vacated are:

OWNER #3

Owner's Name: _____

Owner's Mailing Address: _____

Description of Owner #1 Property: _____

CONSENT TO VACATION

I am the Owner of property fronting/abutting the property sought to be vacated, as described above. I hereby consent to/approve the vacation sought herein.

Dated: _____

Name: _____
[Printed]

Name: _____
[Signed]

If the person named above is a Representative,⁴ indicate Title: _____
[Representative's Title]

⁴ A Representative who signs this form swears under penalty of perjury that he/she has the authority to sign on behalf of and bind the entity for which he/she is signing.

OWNERS OF PROPERTY FRONTING/ABUTTING AREA
SOUGHT TO BE VACATED

Pursuant to Section 18.300(d)(1), a majority of the Owners of the land fronting/abutting the property sought to be vacated must consent to/approve the vacation. The Owners of the land fronting/abutting the property sought to be vacated are:

OWNER #4

Owner's Name: _____

Owner's Mailing Address: _____

Description of Owner #1 Property: _____

CONSENT TO VACATION

I am the Owner of property fronting/abutting the property sought to be vacated, as described above. I hereby consent to/approve the vacation sought herein.

Dated: _____

Name: _____

[Printed]

Name: _____

[Signed]

If the person named above is a Representative,⁵ indicate Title: _____
[Representative's Title]

⁵ A Representative who signs this form swears under penalty of perjury that he/she has the authority to sign on behalf of and bind the entity for which he/she is signing.

**OWNERS OF PROPERTY FRONTING/ABUTTING AREA
SOUGHT TO BE VACATED**

Pursuant to Section 18.300(d)(1), a majority of the Owners of the land fronting/abutting the property sought to be vacated must consent to/approve the vacation. The Owners of the land fronting/abutting the property sought to be vacated are:

OWNER #5

Owner's Name: _____

Owner's Mailing Address: _____

Description of Owner #1 Property: _____

CONSENT TO VACATION

I am the Owner of property fronting/abutting the property sought to be vacated, as described above. I hereby consent to/approve the vacation sought herein.

Dated: _____

Name: _____
[Printed]

Name: _____
[Signed]

If the person named above is a Representative,⁶ indicate Title: _____
[Representative's Title]

⁶ A Representative who signs this form swears under penalty of perjury that he/she has the authority to sign on behalf of and bind the entity for which he/she is signing.

OWNERS OF PROPERTY FRONTING/ABUTTING AREA
SOUGHT TO BE VACATED

Pursuant to Section 18.300(d)(1), a majority of the Owners of the land fronting/abutting the property sought to be vacated must consent to/approve the vacation. The Owners of the land fronting/abutting the property sought to be vacated are:

OWNER #6

Owner's Name: _____

Owner's Mailing Address: _____

Description of Owner #1 Property: _____

CONSENT TO VACATION

I am the Owner of property fronting/abutting the property sought to be vacated, as described above. I hereby consent to/approve the vacation sought herein.

Dated: _____

Name: _____
[Printed]

Name: _____
[Signed]

If the person named above is a Representative,⁷ indicate Title: _____
[Representative's Title]

[If there are more than six Owners of property fronting/abutting the property sought to be vacated, attach additional sheets for such Owners, using the format provided, above.]

⁷ A Representative who signs this form swears under penalty of perjury that he/she has the authority to sign on behalf of and bind the entity for which he/she is signing.

PLAT/MAP

Pursuant to Section 18.300(d)(2), the Applicant must provide a plat, draft or copy of the existing plat showing the proposed vacation/area to be vacated.

ATTESTATION OF APPLICANT

The Applicant attests and acknowledges the he/she has read and understands what is required for this Vacation Request and the requirements of Section s 18.014, 18.020 and 18.300 of the City of Kotzebue Subdivision Regulations, attached hereto and incorporated by reference herein and will abide by/be bound by those requirements. **THE APPLICANT ACKNOWLEDGES THAT ANY FALSE, INACCURATE, INCOMPLETE AND/OR MISREPRESENTED INFORMATION PROVIDED ON THIS APPLICATION OR DURING THE VACATION PROCESS MAY BE GROUNDS FOR REVOCATION OF ANY APPROVAL GRANTED BY THE CITY OF KOTZEBUE.** Approve granted by the City of Kotzebue in no way constitutes a waiver from/waver of any other applicable Local, State or Federal laws and/or regulations.

Applicant's Name: _____
[Printed]

Applicant's Signature: _____

Representative's Title: _____
[if applicable]

City of Kotzebue Vacation – Fees

Found in

SUBDIVISION REGULATIONS

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https://library.municode.com/ak/kotzebue/codes/code_of_ordinances?nodetd=RURE

18.014 - Fees.

Fees charged for the review and recording of plats shall be non-refundable and shall be paid in full when an application is submitted to the City. The schedule of fees required by the City of Kotzebue shall be as follows:

* * *

Vacation: \$200.00

In addition, the applicant shall pay the actual, full costs of any recording fees/expenses, professional advice fees, required under these regulations, and all other fees and expenses incurred in the application process. If a special or emergency meeting of the Planning Commission is requested or required for the processing of a major subdivision application, pursuant to Chapter 18.200 of these Regulations, the applicant shall pay any costs incurred as a result of scheduling and conducting such a special/emergency meeting including, but not limited to, those expenses mandated by KMC § 17.36.050. Failure to pay or pre-pay these fees/expenses, if so required, shall result in denial of any related application(s) or revocation of previously-approved application(s).

City of Kotzebue Vacation - Definitions

Found in

SUBDIVISION REGULATIONS

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https://library.municode.com/ak/kotzebue/codes/code_of_ordinances?nodetid=RURE

18.020 - DEFINITIONS

The following definitions apply in the interpretation and enforcement of these Subdivision Regulations, except where the context clearly indicates a different meaning:

"Abbreviated Plat" means a representation of a subdivision in which the subdivision does not create more than four lots; each lot created has legal and physical access to a public highway or street; the subdivision does not involve or require a dedication of a street, right-of-way, or other area; and the subdivision does not require a vacation of a public dedication of land or a variance from the requirements of any ordinance, including, but not limited to requirements related to subdivision, land use, and building and construction, including flood hazard and drainage regulations.

"Access" means the right of access to an abutting public, dedicated street, right-of-way or highway which is connected to and a part of the public system of streets of the City.

"Adjacent lot" means a lot or parcel of land which shares all or part of a common property line with another lot or parcel of land.

"Aliquot part" means the division of a surveyed section of land, described without reference to bearing or distance, into square or rectilinear parcels, the area of each parcel comprising a fractional portion of the total area of the section and of the parcel from which it is being divided.

"Alley" means a public right-of-way shown on a plat which provides only a secondary means of access to a lot, block, tract or other parcel of land.

"Appeal" means a request to a higher body for a review of the decision of an administrative officer, the planning commission or the City council.

"Arterial" means a street used to carry high volumes of traffic to and from major traffic generators or into or out of the community.

"As-built plans" means construction plans that have been revised in accordance with all field changes reflecting the improvements on the site as they actually exist.

"Block length" means the distance between intersections of through streets, such distance being measured along the longest street bounding the block and from right-of-way line of the two intersection streets.

"Block" means an area of land within a subdivision that is entirely bounded by rights-of-way, physical barriers, and exterior boundaries of the subdivision — except alleys, and is usually divided into lots.

"Certificate to plat" means a certificate prepared by a title company authorized by the laws of the state to write the same, showing the names of all persons having any record title interest in the land to be platted together with the nature of their respective interests therein.

"City" means the City of Kotzebue.

"City Manager" means City Manager of the City of Kotzebue or his designee.

"Collector Street" means a street that carries traffic between local streets and other collectors and arterials.

"Condo" or "Condominium" means a structure of two or more units, the interior spaces of which are individually-owned and the balance of the property (both land and building) is owned in common by the owners of the individual units.

"Corner lot" means a lot located at the intersection of two or more streets where the angle of intersection of the lot lines abutting those streets does not exceed one hundred thirty-five degrees.

"Cul-de-sac" means a street having one end open to traffic and being terminated at the other end by a vehicular turnaround.

"Dedication" means the intentional transfer of land by the owners to public use.

"Easement" means an interest in land owned by another that entitles the easement holder to a specified limited use, right or enjoyment. A public easement is an area legally reserved by plat or conveyed or reserved by deed for the purpose of allowing use by vehicles, pedestrians, utilities, drainage or for other purposes.

"Engineer" means a registered professional civil engineer authorized to practice engineering in the State of Alaska.

"Final acceptance" means acceptance by the City, at the completion of construction and upon the posting of all required warranties, of a public improvement constructed as a condition of approval of a subdivision plat or other development permit.

"Final plat" means the final map, drawing, or chart on which the subdivision or re-subdivision of land is presented to the Planning Commission for approval, and which, when approved as meeting all preliminary plat conditions, will be submitted to the district recorder for recording.

"Flag Lot" means a lot with a long, narrow strip protruding from one side which provides access to the lot.

"Flag Staff" means the long narrow strip used as access to the flag lot.

"Front yard" means the distance between the front lot line and the part of the permanent structure nearest the front lot line. It also includes that portion of a yard between the front lot line and the required front yard setback line extended to the two side lot lines, the depth of which is the least distance between the front lot line and the nearest permanent structure. In the case of a corner lot the front lot line is the lot line so designated by the City Planner or Planning Commission.

"Green belt or buffer park" means a strip or parcel of land privately restricted or publicly dedicated as open space for the purpose of protecting and enhancing the environment.

"Improvement" means any construction incident to servicing or furnishing facilities for a subdivision such as grading, street surfacing, construction of driveway approaches, electrical power lines, sidewalks, street signs, street lights, water lines, sanitary sewers and treatment systems, storm sewers, culverts, bridges, utilities, waterways, lakes and other items; the construction of any building or permanent structure or any external addition to a structure that constitutes a betterment of real property. The relocation of a structure within a lot or the relocation of a structure to another lot, the addition or relocation of fill or native material, the addition of a floor or room that changes the exterior dimensions of the building and the change to or addition to the sewer or water system serving the building are improvements; painting, siding, re-roofing or other cosmetic changes are not considered to be improvements.

"Ingress" means the area where a vehicle may enter a private lot from the public right-of-way or public or private easement or other way.

"Local street" means a street, generally within a subdivision, designed primarily to provide direct access to individual abutting properties.

"Lot" means the smallest portion of a subdivision being a measured portion of a parcel of land which is described, identified by a lot number, and fixed on an approved plat filed for record; also, when used in

a more general sense, including parcel, tract, plat and property.

"Lot depth" means the distance between straight lines connecting side lot lines, measured between the midpoints of such lines except that such measurement shall not extend outside the lot lines of the lot being measured.

"Lot frontage" means the length of the front lot line.

"Lot improvement" means any building, structure, water or sewer facility, work of art or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

"Lot line" means a fixed boundary of a lot described by survey located on an approved plat filed for record.

"Lot width" means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured between the midpoints of such lines except that such measurement shall not extend outside the lot lines of the lot being measured.

"Monument" means a permanent physical item used as a survey control point.

"Planning Commission" means the Planning Commission of the City of Kotzebue.

"Parcel" means an area of land, legally created and described, not containing any smaller legally created area of land. A lot, tract, and area of land described by aliquot parts may be referred to as a "parcel".

"Plat" means a map or representation on paper of a parcel of land. A "preliminary plat" is a map showing the salient features of a proposed subdivision of land submitted to the planning commission for purposes of preliminary consideration and approval. A "final plat" is a map of a subdivision of land made up in final form ready for approval and filing.

"Person" means a natural person or a partnership, joint venture, corporation, association, organization or a public agency.

"Pre-Application Procedures" means a voluntary meeting between the sub-divider or developer and the City Planner for the purpose of informing the sub-divider or developer of subdivision and development procedures and standards.

"Preliminary plat" means the conceptual maps, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission.

"Property line" means the perimeter of the lot.

"Public improvement" means any drainage ditch, roadway, park, pedestrian way, street, off street parking area, lot improvement, street lights, sewer, water or other facility for which the City may ultimately assume the responsibility of maintenance and operation, or which may affect an improvement for which City responsibility is established.

"Public open space" means land dedicated or reserved for the use by the general public, including, but not limited to, parks, parkways, recreation areas, and school sites.

"Public utility" means all persons firms corporations, or municipal or public authorities which are certified as public utilities by the State of Alaska and which provide gas, electricity, water, telephone, cable, storm sewers, sanitary sewers or other services of a similar nature.

"Rear lot line" means that boundary of a lot which is parallel to the front lot line and does not intersect the front lot line. In the case of a triangular lot, "rear lot line" means a line twenty feet in length within the lot parallel to and at the maximum distance from the front lot line.

"Rear yard" means the distance between the property line that parallels or generally parallels the rear lot line and the part of a structure, other than a minor structure, nearest the rear lot line.

"Re-plat" means an alteration to an original recorded plat; a re-subdivision.

"Right-of-Way" means a land reserved, used or intended to be used by the public for a street, alley, walkway or other purpose.

"Street" means a right-of-way serving as a means of vehicular and pedestrian travel, also furnishing spaces for public utilities, public improvements and vegetation; it includes avenues, boulevards, roads, lanes and other ways.

"Sub-divider, owner or developer" means a person, firm, association, partnership, corporation, governmental unit or combination of any of these which may hold any legal or equitable ownership interest in land being subdivided. The terms shall also include heirs, assigns, or successors in interest, or representatives of the sub-divider, owner, proprietor or developer.

"Subdivision" means any land, vacant or improved, which is proposed to be divided into two or more lots, parcels, sites, units, plots or interests for the purpose of offer, sale, lease or development, regardless of terms and conditions. Subdivision includes the division or development of residential and nonresidential land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument. Subdivision also includes re-subdivision, a change in the arrangement of lot lines and elimination of lot lines.

"Surveyor" means a land surveyor registered in the State of Alaska.

"Townhouse" means a single-family dwelling in a row of at least three such dwellings, in which each dwelling has its own front and rear access to the outside and no such dwellings are located over another unit and each unit is separated from other units by one or more common fire-resistant walls. Each dwelling has its own, separate utilities.

"Through or double-frontage lot" means a lot other than a corner lot with frontage on more than one street.

"Tract" means an area of land that has been defined but has not been designated by lot and block numbers.

"Vacation" means the act of making legally void the public interest or rights in a dedicated right-of-way, easement, public area or other dedicated public interest.

"Variance" means permission to depart from the literal standard or requirements of any provision of these regulations or the Kotzebue Municipal Code.

"Zero Lot Line Home" means the location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

City of Kotzebue Vacation Procedures

Found in

SUBDIVISION REGULATIONS

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https://library.municode.com/ak/kotzebue/codes/code_of_ordinances?nodeId=RURE

18.300 - VACATIONS

- (a) Authority. The Planning Commission shall consider the merits of each vacation request and in all cases the platting authority (Planning Commission) shall deem the area being vacated to be of value to the City unless proven otherwise. The burden of proof on all vacation issues shall lie entirely with the applicant.
- (b) Submission Requirements. For an application to vacate a public utility easement the following shall be required:
 - (1) Written application on forms provided by the City and payment of any applicable fees.
 - (2) Three copies of the recorded document establishing the easement.
 - (3) Three copies of a map illustrating the area to be vacated. In addition to showing the area to be vacated, the map must show the outer boundary of the property receiving the benefit of the dedication and the location of all known public improvements within the area being vacated.
 - (4) A written statement approving the vacation from every public utility authorized to use the easement.
- (c) For an application to vacate a dedicated public area other than a public utility easement:
 - (1) A written application on forms provided by the City, and payment of applicable fees;
 - (2) Five copies of a map illustrating the area to be vacated. In addition to showing the area to be vacated, the map must show the outer boundary of the property receiving the benefit of the dedication, and the location of all known public improvements within the area being vacated;
 - (3) The application shall include a written statement containing the reasons in support of the vacation;
 - (4) A written statement approving the vacation from every public entity authorized to use the dedicated area.
- (d) Procedures for Vacations.
 - (1) Petitioners. No plat may be vacated except upon petition of the owners of the majority of the land affected by the vacation. Except as otherwise provided by law, no street, alley or public thoroughfare or any part of one may be vacated, except upon petition of the owners of the majority of the land fronting upon part of the street, alley or public thoroughfare sought to be vacated.
 - (2) Petition. The petition for vacation shall be filed with the City Planner, requesting that the plat, addition or subdivision be vacated or that the street, alley, public thoroughfare or other public area be vacated. The petition shall be accompanied by a plat, draft or a copy of the existing

plat, showing the proposed vacation.

- (3) Hearing. Upon the payment of the applicable fees and costs, the City Planner shall fix a time for the hearing of the petition which shall be not less than thirty (30) days nor more than sixty (60) days after the filing, and shall issue a notice stating when and by whom the petition was filed, the vacation requested, and the time and place of the hearing. The notice shall generally describe the plat, addition or subdivision sought to be vacated or the street, alley, public thoroughfare or other public area or part of it sought to be vacated. The notice shall be posted for two consecutive weeks prior to the hearing at three (3) public places within the City. The City Planner shall also mail by registered mail a copy of the notice to each of the owners of the affected property not joining in the petition, as shown by the utility records of the City, at the addresses there shown.
 - (4) Hearing Determination. At the hearing, the Planning Commission shall inquire into and determine the merits of the relief petitioned for and make such order as justice and the public welfare require.
 - (5) If the plat, addition, subdivision, street, alley, public thoroughfare or other public area or part of it is vacated and not otherwise altered or re-platted, it is only necessary to file with the recorder the order or resolution vacating it and the recorder shall note upon the original plat the part vacated.
- (e) Actions on Vacations.
- (1) The Planning Commission shall recommend action to the City Council on the vacation application within sixty (60) days after the submission date. The reasons for the recommendation of approval or denial of the vacation shall be stated upon the record of the Planning Commission meeting minutes.
 - (2) The Planning Commission shall refer to the City Council the action of the Planning Commission on an application to vacate a public easement or area, with an ordinance subject to City Council approval authorizing the conveyance of the area proposed to be vacated.
 - (3) The approval of a vacation by the City Council expires eighteen (18) months after the date of approval. A vacation is not effective unless, before its approval expires, a conveyance of the vacated interest is approved in accordance with law and a final plat depicting the vacation is approved and filed in accordance with this chapter.
 - (4) Fair market value of the street right-of-way, easement or other public area to be vacated shall be determined as provided in Title 3, Chapter 3.12, of the Kotzebue Municipal Code and paid to the City on final vacation, unless the City Council, by its own motion, approves other terms or conditions.