

EASEMENT VACATION



Guide to Vacating a Platted Easement

Background

An easement (utility; drainage; pedestrian; etc.) or portion thereof that has been dedicated to the City of Auburn on a recorded subdivision plat may be vacated by the Auburn Common Council. Typically, the area of the easement to be vacated would need to be unencumbered of any public or private utility or not be serving a purpose for which the easement was originally dedicated for (i.e. pedestrian access).

Process

To request the vacation of an easement, an application must be filed with the Building, Planning and Development Department. To request a vacation, a person who owns or are interested in any lots or parts of lots and want to vacate all or part of an easement in or contiguous to those lots or parts of lots may file a petition for vacation with the Auburn Common Council.

The petition filed must state the circumstances of the case; specifically describe the easement proposed to be vacated; and give the names and addresses of all owners of land that abuts the easement proposed to be vacated.

The completed application packet will be routed to all appropriate City/County Departments and utility companies for review. If there are issues or concerns with the vacation request, the applicant will be advised.

The Auburn Common Council will hold a public hearing on the petition. Notice of the public hearing must be published in the newspaper at least 10 days prior to the hearing. Notice must be sent by certified mail to each owner of land that abuts the easement proposed to be vacated.

Decision

After the hearing on the petition, the Auburn Common Council may, by ordinance, vacate the easement. Consideration of an ordinance requires two separate readings by the Common Council. 1st reading of the ordinance is after the public hearing and 2nd reading is typically done at the next successive meeting.

Timeline

- Submission of Petition to Vacate
- Public Hearing advertised at least 10 days prior to Auburn Common Council meeting
- Notice to each owner of land that abuts the easement proposed to be vacated is sent by certified mail
- **Public Hearing held by the Auburn Common Council**
- Within 30 days after the adoption of a vacation ordinance, any aggrieved person may appeal the ordinance to the circuit court, superior court, or probate court of the county.

EASEMENT VACATION APPLICATION CHECKLIST



A completed application must include the following:

- A completed application form.** The application form is available in the Building, Planning and Development Office located on the 2nd floor of City Hall or at www.ci.auburn.in.us.
- A legal description, survey, or other drawing depicting the easement requested to be vacated.**
- There is no filing fee associated with an easement vacation.

Applicant may also submit the following:

- Any written statement, documents, photographs, plans or supporting information justifying the vacation of the easement requested.**



APPLICATION FOR VACATION OF EASEMENT

Department of Building, Planning, & Development

210 S Cedar St PO Box 506 Auburn IN 46706 | 260.925.6449 | 260.920.3342 fax | bpd@ci.auburn.in.us

APPLICANT INFORMATION

Applicant	
Address	
Phone / Email	
Property Owner	
Address	
Phone / Email	

PROJECT INFORMATION

Boundary of Area to be Vacated (include subdivision)	
Description of Vacation Request (type, reason, utilities, dimensions, etc.)	

UTILITY LOCATION INFORMATION

Electric/Fiber	
Natural Gas	
Sanitary Sewer	
Water	

CERTIFICATION

By signing below, I certify that I am the owner or authorized by the owner of the property to file this application; the information provided in this application is true and accurate to the best of my knowledge; and I understand the application will be reviewed by government and utility agencies.

Applicant Signature

Applicant Printed Name

Date

Applicant Signature

Applicant Printed Name

Date

OFFICE USE ONLY

Received Date:		LOGOS#: CC-VACATE PUB RW	
Received By:		LOGOS Address:	
Cash/Check/Charge		Receipt Number:	
Application Fee			