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Riley County

GUIDE TO ROAD & EASEMENT VACATIONS IN PLATTED AREAS



WHAT IS A VACATION?

A **vacation** is the termination of, or termination of interest in, an easement, right-of-way, or public dedication of land.

APPROXIMATE COSTS INVOLVED IN ROAD & EASEMENT VACATIONS IN PLATTED AREAS

- Surveying fees for a legal description of what is to be vacated and preparation of a plot plan (varies)
- Planning & Development application fee—\$300.00
- Fee for filing the vacation order with the Register of Deeds—\$15.00 for the first page; \$11.00 for every page thereafter

STEPS INVOLVED

1. Contact the Riley County Planning & Development Department. A preliminary conference with the planner will provide information such as application deadlines, procedure and processes.
2. Contact a surveyor to have the road or easement surveyed and have a plot plan prepared.
3. The following shall be submitted to the Riley County Planning and Development department by the application deadline:
 - Application for Vacation of Road or Easement in a Platted Area;
 - application fee;
 - filing fee;
 - legal description for the

- property; and
- plot plan.

4. At the time of application, a petition for vacation will be prepared by Planning and Development that the applicant must have signed by owners of any tract adjacent to the proposed vacation. Also, a sample vacation order will be prepared to determine the Register of Deed's filing fee.
5. Utility companies that are suspected to have an interest in the proposed vacation will be notified. Upon receipt of responses from all utility companies, a hearing will be scheduled with the Board of County Commissioners (BOCC).
6. Twenty days prior to the BOCC meeting, a notice of public hearing will be published in the Manhattan Mercury and all property owners adjacent to the proposed vacation will be notified by mail. They may attend the public hearing and/or submit written comments.



PREPARING FOR THE PUBLIC HEARING

Approximately one week before the hearing, the petitioner will be notified of the date, time and place of the BOCC meeting. The notice is accompanied by a staff evaluation of the request. The petitioner or a representative must be present at the public hearing. The Township Trustee for the township involved in the request is also notified.

AT THE PUBLIC HEARING

At the hearing, the Chairman opens the public hearing. A staff member of the Planning and Development Department presents the staff report to the Board of County Commissioners. The applicant is then called forward to explain the request. The public is then given a chance to speak for or against the request.

If no one wants to speak, the public hearing is closed and the BOCC reviews the **vacation request** and sometimes makes suggestions, recommendations or modifications.

If the BOCC denies the vacation request, no further action is taken. If the BOCC approves the vacation request, the BOCC may place the agenda item on the next meetings agenda for final action. If the BOCC approves the vacation via final action, a vacation order is signed by the BOCC.

The vacation order shall be filed of record in the Office of the Register of Deeds by the Planning & Development Department utilizing the funds provided by the Applicant. In the event the vacation order is not approved, the filing fee shall be refunded to the Applicant.