



EASEMENT/STREET VACATION APPLICATION

The City of Vadnais Heights
800 East County Road E • Vadnais Heights, MN 55127
Phone: 651.204.6015 • Fax: 651.204.6100
www.cityvadnaisheights.com

This application refers to the vacation of a street, alley, public ground, public way, or easement.

Applicant: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: ____ - ____ - ____ Cell: ____ - ____ - ____ E-mail: _____

Fee Owner: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: ____ - ____ - ____ Cell: ____ - ____ - ____ E-mail: _____

Address of Property, if applicable: _____

Legal Description of Property Containing the Requested Vacation (attach a separate sheet if necessary): _____

Property Identification Number (PIN): _____

Type of Easement, if applicable (i.e. Drainage, Utility, Roadway): _____

General Location of the Requested Vacation on the Property: _____

Legal Description of the Requested Vacation (attach a separate sheet if necessary): _____

Project Name and Location (if applicable): _____

Reasons(s) for requesting this Vacation: _____

Justify or explain how this vacation will not be injurious to the surrounding properties and/or neighborhoods: _____

Applicant's Signature _____ Date _____

Property Owner's Signature (if different from applicant) _____ Date _____



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Application Fee & Escrow

Fee: \$500
Escrow: \$1,500*

* All planning cases are subject to a minimum escrow fee to cover any consulting costs the City may incur. Additional charges may apply if the consulting costs exceed the escrow amount. The escrow may be waived, reduced, or increased by the City Planner on a project-by-project basis. For applications that involve excessive staff time, services performed by City staff will be billed at actual payroll costs including hourly rates, payroll taxes, and benefit charges.

Items to Accompany a Vacation Application

- 1. Petition submitted by abutting property owners.
- 2. Survey/site plan illustrating the requested vacation location.
- 3. Signed payment of costs agreement.

Acceptance of Application

This application is subject to acceptance by the City upon review of the application and necessary materials being submitted.

Date Received: _____ Date Application Deemed Complete: _____

Application Fee _____ Application Number: _____

Planning/Community Development Director Date

City Administrator Date

The signatures and acceptance by city staff does not constitute approval of this application request.



EASEMENT/STREET VACATION APPLICATION FILING REQUIREMENT INFORMATION

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Filing Requirement Information

Minn. Statute 412.851 governs the procedure for vacating a street, alley, public grounds, or public way in statutory cities. Minn. Statute 462.358, subd. 7 allows cities to use the street vacation process to vacate any publicly-owned easement or boulevard reserve not being used for sewer, drainage, electric, telegraph, telephone, gas, and steam purposes, or for boulevard reserve purposes as well. Unless otherwise noted, the information below is equally applicable to all vacations.

A majority of the owners of land abutting the street to be vacated may initiate a vacation by petition. However, the City Council is not required to vacate a street simply because a valid petition is received. The decision to act on a petition is a discretionary act of the Council. Once the city receives a petition for a vacation, the City must confirm that the petition has been signed by the correct number of abutting property owners. A property owner is considered to “abut,” if their land is touching, reaching, joining, bordering on, or contiguous with the street to be vacated.

The requirement that a “majority of owners of land” sign the petition means that a majority of individuals having property interests in the land abutting the street to be vacated must sign the petition. This requirement does not mean owners representing a majority of the abutting property.

For example, if there are four (4) property owners abutting a street to be vacated, three (3) must sign the petition. In this scenario, it would not matter if one of the four owners owned 90 percent of the land abutting the street. Despite the substantial property interest of one of the abutting owners (representing a majority of abutting property on the street), three (3) property owners must still sign the petition.

Married persons often own property as “joint tenants” or as “tenants in common.” Normally, a joint tenancy creates two property interests. These interests are counted separately as owners for the purposes of determining the number of abutting landowners.

For example, on a street with four abutting properties, each held by two persons as joint tenants, the number of ownership interest is eight (8), even though there are only four (4) properties. The signatures needed to constitute a majority of abutting owners on this street would be five (5).

A vacation requires a public hearing at the City Council, with notices published once a week for two weeks and mailed to property owners within 350 feet of the subject site at least ten days prior to the public hearing. The notice must contain a copy of the petition or proposed resolution. If any of the property to be vacated terminates at, abuts upon, or is adjacent to any public water, written notice must also be served by certified mail upon the commission of Natural Resources at least 60 days before the public hearing.

The City Council may vacate a street only upon a finding that the vacation is “in the interest of the public.” This means that the public must benefit, in some manner, from the vacation. Vacations must be approved by City Council resolution.



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NOTE: The Development Review Committee (DRC) meets weekly and, while not required, encourages persons who are or will be seeking application approval from the City to schedule a meeting(s) with the DRC to review site plan concepts and requirements. Meeting with the DRC is intended to assist the applicant with the application process. The DRC consists of the City Planner, City Engineer, City Administrator, Building Official, and the Fire Chief. Meetings with the DRC can be scheduled through Nolan Wall, Planning/Community Development Director, by phone at 651-204-6027 or by e-mail at nolan.wall@cityvadnaisheights.com.