



# CITY OF OTTAWA

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**Community Development Department**  
301 W. Madison Street, Ottawa, Illinois 61350  
815-433-0161

[www.cityofottawa.org](http://www.cityofottawa.org)

## REQUEST TO VACATE PUBLIC RIGHT-OF-WAY

*(Please Print Clearly)*

### APPLICANT:

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### LOCATION OF THE PARCEL:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### DESCRIBE THE PURPOSE OF THE REQUEST INCLUDING THE PROPOSED USE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Note:

1. After review of the application, the applicant will be required to provide a plat of vacation.
2. City Council will determine the value of the right-of-way.
3. See ordinance for additional information.

I petition the City of Ottawa to vacate the area described above and, in support of this petition, state the following:

1. I am the owner of the real property abutting the described area
2. I have attached the \$1,000.00 application fee to this application.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### *For office use only:*

Date Received: \_\_\_\_\_

**ARTICLE IX  
PROCEDURE FOR VACATION OF STREETS, ALLEYS,  
AND PUBLIC RIGHT-OF-WAY**

Sec. 86-50. – Generally.

The procedure in this Article must be followed in the processing and consideration of a request for the vacation of streets, alleys, and public rights-of-way located within the corporate limits of the City of Ottawa. Any applicant desiring to file an application requesting the vacation of a particular street, alley, or public right-of-way must be an adjoining property owner.

Sec. 86-51. – Application.

1. Any person, corporation, or limited liability company (“Applicant”) desiring a street, alley or public right-of-way be vacated must complete an application on a prescribed form which will contain the following information:
  - a. Name, address, and phone number of the Applicant;
  - b. Purpose of the request;
  - c. The location of the Parcel and if possible, the legal description of the street, alley, or public right-of-way to be vacated (“Parcel”).
2. The Application must also include the fee of \$1,000.00 for the administrative costs incurred in the processing of the application, publications, legal fees, and recording costs.

Section 86-52. – Staff Review

1. Staff will review the Application taking into consideration the following items:
  - a. The nature of the request and proposed use;
  - b. If any public interest will be subserved by vacating the Parcel;
  - c. If there are any existing public utilities over, under or upon the requested Parcel; and
  - d. If the proposed vacation will be detrimental to traffic circulation, access, emergency services, utility facilities, or other similar right-of-way purposes.
2. In review of the Application, the Staff will verify all the information contained in the application.
3. After review and verification of the application, the Staff will create a Staff Report for the City Council that includes the following items:
  - a. A map showing the location of the proposed street, alley, or public right-of-way to be vacated;
  - b. A list of any and all public utilities over, under, or upon the requested Parcel;
  - c. Any other interested abutting property owners or objections of abutting property owners;
  - d. A recommendation with regard to the retention of easements for the benefit of public utilities, ingress or egress, or potential public use of the parcel; and
  - e. A recommendation to either grant or deny the requested vacation and a recommendation regarding the vesting rights of any abutting property owners. The City, in its discretion, may grant title to the entire vacated Parcel to only one abutting property owner.

## Sec. 86-53. - Notice

1. Upon a recommendation to the City Council to grant the Application, the Staff will notify the Applicant of the Staff's recommendation to the City Council to grant the Application and the retention of any easements. If the Applicant desires to proceed with such vacation, the Applicant must provide a plat of vacation reserving, if any, required easements in a form as prescribed by the City.
2. Once the Staff receives a plat of vacation, the application will be set for a public hearing with not less than fifteen (15) days' notice of said hearing from the date of publication. The notice must include the time, place, and subject matter of the hearing and must be published in a newspaper of general circulation within the City.
3. The City Clerk will also mail written notice of the public hearing to all owners of property abutting the Parcel as shown in the records of the LaSalle County Assessor. The notice must include the time, place, and subject matter of the hearing.

## Section 86-54. – Council Determinations

1. The City Council will determine:
  - a. Whether the Parcel or portion thereof, is no longer necessary for public use and whether the public interest will be served by the vacation request.
  - b. Whether the Parcel or portion thereof, should be vacated and whether any easements for public utilities or ingress-egress will be retained.
  - c. The City, in its discretion, may grant title to the entire vacated Parcel to only one abutting property owner or to each abutting property owner showing an interest in the vacation of the Parcel.
2. If the City Council decides it is in the best interest of the City to vacate the parcel, then the City Council, in its sole discretion, will determine the value of the Parcel and may consider any one of the following methods:
  - a. Evaluate the current assessment of land adjacent to the right-of-way at a square foot price then project that price onto the Parcel;
  - b. An appraisal, paid for by the Applicant; or
  - c. Any other value as agreed on by the Applicant and the City Council.

## Section 86-55. – Vacation

1. Prior to the City Council passing an ordinance vacating the Parcel, the City must receive the sum the Parcel is valued at as determined by the City Council.
2. Following the public hearing, the City Council will consider an ordinance providing for such vacation, which may be approved or approved with conditions. If the City Council determines to adopt such ordinance, it must do so by a  $\frac{3}{4}$  vote of its members.
3. Upon passage of the ordinance, the City Clerk will record the ordinance and the vacation plat in the LaSalle County Recorder's Office.