

**PARAGONAH TOWN
PETITION TO VACATE ROAD**

Petitioner: *Name of Person Filing Petition* _____

Address: _____

Email Address: _____

Phone: _____

Tax parcel number: _____

Proof of Ownership: *Attach Copy of Deed*

Map of Area:

Attach Map containing surrounding background imagery, parcels & roads.

Legal Description of Town Road to be vacated:

A legal description of the road to be vacated; together with a statement/survey certifying the validity of the legal description, signed by a licensed surveyor.

Size of road to be vacated (in square feet):

Include an aerial image with lot lines, not survey grade, showing adjacent lots within 300 feet distance to ensure no lots will be left without access. The applicant can utilize GIS-based maps Iron County Website

Will the vacation result in any parcel of land being denied access?

A statement explaining how no property will be denied direct access as a result of the vacation.

How is the vacation in the public interest?

A statement of why the proposed vacation is in the public interest. Or, how the proposed vacation does not harm public access and interests.

APPLICANT DECLARATION

The Applicant declares and affirms that:

- a. Applicant has a fee interest in the property in which a vacation action is being requested, and that said property is not subject to any delinquent or unpaid taxes, special assessments, or other improvement liens.
- b. No portion of the property to be vacated constitutes or was acquired for a state or federal highway, nor will the vacation of said property deprive any entity of its legal rights, as a property owner, in adjacent or nearby properties.
- c. Applicant understands that Paragonah Town, its employees or agents will not assume responsibility or liability for any matter that is the responsibility of the Applicant.
- d. In making application, the Applicant specifically consents to the physical inspection of the properties described herein, and the providing of such additional information as may be deemed necessary to assist the Paragonah Town Board in its consideration of and action upon the requested action for vacation.
- e. Applicant releases Paragonah Town, Town Council, employees and agents from any and all claims for damages that may result from acts occurring directly as the result of the Applicant's petition.
- f. Applicant understands a vacation of public property by the Town may affect substantial interests in real property and other proprietary rights.
- g. Applicant has provided a map encompassing the area to be vacated with the proposed vacated area marked.
- h. Applicant will provide with the Petition application the Road Vacating Petition Signature Sheet with the signatures of the surrounding property owners and proof of the notification letters sent to them along with any return correspondence.
- i. Applicant will provide a list and proof of notice to government agencies, utilities, or other organizations that they have sent notices to for a formal response along with any return correspondence. (i.e. Paragonah Town, Paragonah Canal Company, etc.)
- j. Applicant acknowledges that if they misrepresent or fail to disclose relevant information and it is discovered during reviews, the application will be rejected and a new application will be required.
- k. Applicant assumes full and complete responsibility for compliance with the requirements of the law and all procedures arising out of any proceedings instituted by or on behalf of the Applicant. The undersigned Applicant, having been duly sworn, deposes and says that he/she has read the foregoing application and attachments thereto, knows the content thereof, and that the matters and information set forth therein are true and correct.

1. Applicant will be responsible for paying all fees for surveying, public notices (i.e. notices sent to property owners/affected entities), and if needed any applicable attorney fees.

APPLICANT:

Signature

Print Name: _____

Title: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, () individually or () as (title) _____ of (name of entity) _____ He/she is () personally known to me or () has produced _____ as identification. _____

Notary Public

My Commission Expires: _____

Please submit this application and the required documents to:

Paragonah Town
P.O. Box 600247
44 North 100 West
Paragonah, Utah 84760
(435) 477-8979

PARAGONAH TOWN
ROAD VACATING PETITION SIGNATURE SHEET

Road to be Vacated: _____

Location of Road: (Attach Legal Description & Map)

Each owner and signer states for themselves:

I have personally signed this petition; I own property that is adjacent to or accessed exclusively by or within 300 feet of the road that is being petitioned to vacate in Paragonah Town in the State of Utah, and my mailing address is correctly written after my name. We hereby certify that the undersigned understands and are in agreement with the proposed Town Road that is being petitioned to vacate.

	NAME Signature	Print	ADDRESS	PHONE	PARCEL #
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____
5.	_____	_____	_____	_____	_____
6.	_____	_____	_____	_____	_____
7.	_____	_____	_____	_____	_____
8.	_____	_____	_____	_____	_____
9.	_____	_____	_____	_____	_____
10.	_____	_____	_____	_____	_____

TO THE HONOPARAGONAH TOWN BOARD:

We, the above signed, hereby request that a town road or portion thereof be vacated. Said road is described as follows:

We respectfully represent and allege that the said road has no material utility or benefit as a part of the general road system now and in the future and that the public will not be harmed by its vacation.

We are the owners (see attached copies of our deeds) of the majority of property adjacent to said road. We also agree to pay into the Sevier County Fund, the amount of all costs and expenses incurred in the examination, report, and all proceedings pertaining to such petition to vacate and abandon. We further agree to compensate the county for the vacated road, if public expenditures were made in acquisition, improvement, or maintenance, or if the Board of County Commissioners makes the requirement because of benefit derived from the vacation.

SAMPLE LETTER
TO GOVERNMENT AGENCIES & UTILITY COMPANIES
REGARDING PETITION TO VACATE
PARAGONAH TOWN ROAD
(To be mailed certified return receipt)

(Today's date)

Agency / Utility Contact Person

Agency / Utility / Company Name

Mailing Address

City, State, Zip

RE: Notice of Proposed Road Right-of-way Vacation

Parcel # _____

To Whom It May Concern:

We intend to submit a Petition to the Paragonah Town Board seeking to vacate the road at the location identified in the attached documents in order to accomplish the following purpose:

The Town is aware that you have received this letter and will confirm that a response was provided. We have included a sketch or drawing of the road location I desire to vacate.

If you have any comments on the above proposed transaction, please direct your response to the Paragonah Town Office (435) 477-8979, 44 North 100 West, Paragonah, Utah, and send a copy of your response to me at the address listed below.

Thank you in advance for your consideration.

Signed,

The Petitioner

(Return mailing or email address and daytime telephone number)

Enclosures: Documents identifying location of proposed Road Right of Way Vacation.

**SAMPLE LETTER TO PROPERTY OWNERS OF
NOTIFICATION OF PETITION FOR THE
VACATION OF PARAGONAH TOWN ROAD**
(To be mailed certified return receipt to adjacent property owners)

Date:

On, _____20____, I petitioned through the Paragonah Planning & Zoning and Town Board for the vacation of a Town road known as _____ in Paragonah Town, Utah.

According to the assessor's records, you own property in the immediate area of the proposed road vacation and may have an interest in this property. A legal description of the right of way is attached along with a map depicting the area (highlighted).

If the Town approves the petition, Utah State statutes require that there be a public hearing regarding the road vacation where citizens and other interested parties are able to raise questions or voice concerns. If the Paragonah Town Board approves the petition to vacate all or a portion of said road, the right of way will revert back to the properties in which it originated.

If you have any comments on the above proposed transaction, please direct your response to the Paragonah Town Office, 435-477-8979, 44 West 100 North, Paragonah, Utah and send a copy of your response to me at the address listed below.

Sincerely,
(Signature)

Name, Mailing Address and Phone Number:
(Best Time to Call)

Checklist to Vacate Paragonah Town Road:

1. Petitioner submits Petition to Vacate Road with the following documents attached:
 - Copy of Deed
 - Map containing surrounding background imagery, parcels & roads.
 - A legal description of the road to be vacated; together with a statement/survey certifying the validity of the legal description, signed by a licensed surveyor.
 - An aerial image with lot lines, not survey grade, showing adjacent lots within 300 feet distance to ensure no lots will be left without access. The applicant can utilize GIS-based maps Iron County Website
 - Road Vacating Petition Sheet with names, addresses of each owner of record on land affected by abandonment, including those within 300' of individuals who access the road.
2. Notices mailed to adjacent property owners and affected entities, posted on street being vacated, Town website, and Utah Public Notice Website
3. Post notice of public hearing 10 days prior to hearing.
4. If the Town Board finds no injury and whether good cause exists for the vacation, the Town Board may adopt an ordinance granting a petition to vacate.
5. If approved, the Town Board needs to make sure that the subdivision plat is amended to reflect the vacated land.