



Public Way Vacation Application City of Dayton, Ohio

Complete this form in Adobe Reader software, not a Web browser, to ensure the privacy of your information. Place the cursor in a field and type. Print a copy to add the required signature(s) in blue or black ink and return this form with required attachments to: City of Dayton, Department of Planning and Community Development, 101 West Third Street, P.O. Box 22, Dayton, OH. 45401, 937-333-3670.

1. Location of Alley/Street. (Attach map to application) _____
2. Reason(s) for the requested vacation. _____

3. Number of abutting properties on both sides of alley/street. _____
4. Are the abutting property owners in support of the requested vacation? _____
5. The problems which would result if the alley/street is not vacated. _____

Owner

Name _____
Address _____
City _____ State _____ Zip Code _____
Daytime Telephone Number _____ Fax _____ E-Mail Address _____

Applicant

Name _____
Address _____
City _____ State _____ Zip Code _____
Daytime Telephone Number _____ Fax _____ E-Mail Address _____

The applicant is _____ the dedicated right-of-way which is subject to
this application. (Interest of Applicant)

I hereby depose and say that the above statements and the statements contained in all exhibits transmitted herewith are true.

Applicant's Signature

Subscribed and sworn before me this _____ day of _____, 20 _____
My commission expires _____, 20 _____

Notary Public _____

Vacation of Rights-of-Way, Section 150.445, R.C.G.O.

When the City of Dayton receives requests to vacate rights-of-way, those requests will be reviewed pursuant to the procedures and standards in Sections 95.80 - 95.84 of the R.C.G.O. In addition, the Plan Board will consider the request based on the following:

- (A) **Analysis.** The following elements shall be considered whenever an application for vacation is reviewed by the Plan Board:
- (1) **Urban Design.** Is the proposed vacation advisable given the potential urban design impacts on the surrounding area?
 - (2) **Community Support.** Is there specific support for the vacation by a neighborhood plan or is there some other form of demonstrated local need?
 - (3) **Function.** Is the existing street and/or alley grid, in the surrounding area, intact or already broken? How well does the existing street or alley system perform in the surrounding area? What are the potential impacts to the long-term flexibility of the transportation network? Will approval of the vacation create, reduce, or eliminate a dead-end alley or street?
 - (4) **Consequence.** What might be the 50-100 year consequence of the vacation for the City?
 - (5) **Options.** Are there other options to a full vacation that might be feasible and preserve the use of the street or alley?
 - (6) **Services.** Is the right-of-way needed for utilities, loading, or other services? Might it be in the future? How would these needs be alternatively served?
 - (7) **Access.** Does the right-of-way provide primary or secondary access to abutting properties for either vehicular or pedestrian access? Does vacation of the right-of-way impact off-street parking?
 - (8) **Light, View, and Air.** What is the potential impact on view sheds, light, and air?
 - (9) **Height, Bulk, and Scale.** What could be the resultant changes in height and bulk on the block? What could be the impact on the form and orientation of buildings on the block relative to surrounding blocks?
 - (10) **Pedestrian Connections.** Does the right-of-way function as a mid-block or through block connection or provide other linkages to existing sidewalks or pedestrian ways?
 - (11) **Use of Right-of-Way.** Is the right-of-way adjacent or leading to any park, open space, natural area, or any other natural or man-made attraction?
 - (12) **Comprehensive Plan.** Is the vacation request consistent with the goals and objectives of the Comprehensive Plan?
 - (13) **Other Plans/Policies.** Is the right-of-way included in or identified by any City improvement project or adopted plan?
- (B) **Criteria for Establishing Conditions.** The Plan Board shall only establish conditions for a requested vacation if **all** of the following three (3) criteria are met:
- (1) The right-of-way is judged as not important to the City's neighborhoods in terms of providing access for residents, and/or property owners, space for utilities, and a means to provide City services; and,
 - (2) The right-of-way is not important to the City's present or future transportation network in terms of automobile, bicycle, or pedestrian traffic; and,
 - (3) The right-of-way does not serve as the primary access to parcels.
- (Ord. 30515-05, passed 12-28-05)

City of Dayton, Ohio

Public Way Vacation Application cont'd.

Filing Procedure

An application for a requested vacation must be filed with the Department of Planning and Community Development, Sixth Floor, Dayton City Hall, 101 West Third Street, Dayton, Ohio 45402, (937)333-3670, on approved forms and the filing fee of \$50.00 paid. Applications are scheduled for City Plan Board after the applicant has reviewed the conditions for the requested vacation and still wishes to proceed.

The application must be typewritten or printed legibly in blue or black ink. Applications which are not complete or are not legible will be returned to the applicant, and will not be considered until completed.

If the applicant wishes to proceed to City Plan Board (CPB), the Department of Planning and Community Development will notify the applicant of the property owners that shall be included on the list. The list shall include owner's name and tax mailing address. If submitted on mailing labels, three (3) sets of labels are required in avery 5160 format or an equivalent format.

The property owner's list shall be provided before the application is forwarded to the CPB for review.

At a minimum the application must contain the following:

1. Two (2) notarized copies of completed Public Way Vacation Application.
2. Two (2) copies of map showing alley/street to be vacated.

OFFICE USE ONLY Date Filed: _____ Case No.: _____ Pub.Hrg.Date: _____
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