

## **Procedure for Vacating an Unimproved Public Right-of-Way (street or alley)**

Property owners located adjacent to an unimproved street or alley (right-of-way) can request that the unimproved right-of-way be vacated to the adjoining property owner(s). In most situations, vacated property is divided evenly between property owners, (i.e. a 20-foot wide alley located between two lots would be divided 10 feet to each of the property owners). However, depending on the specific situation, there are exceptions as to how the property is divided.

There are several steps in the process of vacating an unimproved right-of-way. Below is a step-by-step description of the vacation process:

- The Petitioner should send a letter setting forth the right-of-way that s/he is seeking to have vacated and including the following information:
  1. the specific location of the right-of-way,
  2. the planned use for the right-of-way;
  3. the size of the right-of-way requested for vacation; and
  4. the number of adjoining property owners that would be affected by the vacation.

The letter should be sent to the attention of Robin Ward, Assistant Village Attorney, Village of Arlington Heights, 33 S. Arlington Heights Road, Arl. Hts., IL 60005; FAX: 847-368-5977; E-mail: [rrward@vah.com](mailto:rrward@vah.com).

- The request is next reviewed by several Village Departments. Issues that are addressed in considering a request include:
  1. Is the right-of-way under the Village's jurisdiction?
  2. What is the nature of the Village's interest in the right-of-way?
  3. Is there any present or future need to improve the right-of-way?
  4. How was the right-of-way acquired by the Village? Upon answering this question, it needs to be determined whether or not the Village has the authority to convey its interest.
  5. If the right-of-way can be vacated, do restrictions on the use need to be established?
  6. Are there any utilities within the right-of-way? If so, can the utilities be relocated or adequately served by an easement?
  7. Would the right-of-way be useful to the Park or School Districts?

- Once the Village Departments have determined whether or not the vacation is possible, the Petitioner is notified.
  1. If it has been determined that the right-of-way can be vacated, the Petitioner is instructed to contact adjoining property owners to determine their position on the vacation request. It is strongly encouraged that t a written petition or letter be submitted showing the adjoining property owners who concur with the request.
  2. If the vacation is deemed not feasible, the Petitioner is contacted in writing.
- Next, the vacation request is scheduled for discussion at a Committee-of-the-Whole meeting. (The members of the Committee-of-the-Whole consist of the Village President and Board of Trustees.) The Petitioner and Village Staff also attend the meeting.
  1. The adjoining property owners to the right-of-way are notified of the date, time and place of the meeting.
  2. The Village Administration provides the Committee with a report and recommendation. Factors considered by the Committee include:
    - a. Public need for right-of-way as to how it does or does not impact the Village's Thoroughfare Plan;
    - b. The advantage, if any, of ending the Village's obligation to maintain the right-of-way;
    - c. The zoning of abutting property;
    - d. Any benefits of the proposed use of the right-of-way, if vacated;
    - e. Returning property to the tax rolls; and
    - f. Whether or not compensation should be required.
  3. The Petitioner(s) will be given the opportunity to address the Committee.
  4. Upon concluding the discussion, the Committee will make a motion that will be scheduled for the following Village Board meeting recommending approval or denial of the vacation request.
- The Committee-of-the-Whole's motion is reported and voted on at the Village Board meeting.
  1. If the Village Board approves the vacation:

- a. The Petitioner is responsible for having a plat of vacation prepared by a certified surveyor. The expense for the plat is the Petitioner's responsibility.
  - b. The Legal and Engineering Departments will review the plat upon the Petitioner's submission.
2. The Legal Department prepares an ordinance approving the vacation upon:
  - a. Approval of the plat;
  - b. Receipt of any compensation required for the right-of-way, if applicable.
3. The Ordinance and Plat are scheduled for and approved by the Village Board.
4. The Legal Department records the ordinance and plat with the Cook County Recorder's Office.