

**Petition and Process Form
for Abandonment & Vacation of Highway and/or Right-of-Way**

CITY OF WILDER

*219 3rd Street
Wilder, ID 83676*

Phone: 482-6204

Fax: 482-7890

**PETITION AND PROCESS FORM FOR ABANDONMENT AND VACATION OF
HIGHWAY DISTRICT SYSTEM HIGHWAY AND/OR RIGHT-OF-WAY**

Idaho Code Sections 50-311, 50-1306A, and 40-203

[This is a 5-page form]

This application is applicable to any abandonment and vacation of public right-of-way under the jurisdiction of the City of Wilder System of highways and/or right-of-way.

Information to Applicant:

1. The Applicant must complete this form and pay the filing fee before the City will process this form.
2. All relevant information and attachments must be supplied. Please mark non-applicable portions of the application form "N.A." The information on the application for completeness shall be determined by the City Clerk, which shall include a determination of the application/s fee/s. No application shall be considered duly filed by the City unless the application form is completed and the application fee/s has been received by the City Clerk/ Treasurer.
3. This form includes relevant initial routing information which is completed by City staff.
4. All applications provided in this form are filed with the City Clerk of the City of Wilder at the City Hall located at 219 3rd Street Wilder, Idaho 83676.
5. Applicant, if a natural person, must be over the age of 18.
6. Applicant may be required to submit a review request and pay fees to public utilities operating within the area of the requested vacation and abandonment. The following is a known public utilities that require a review request:
Idaho Power, Land Management Service, Box 70, Boise, ID 83707-0070; Phone: (208) 388-2699
7. In the event the Applicant is a legal entity, attach Certificate of Secretary of State. [Applicant must be, if not a natural person, an entity in good standing in the State of Idaho; or a registered trust.]
____Certificate of Secretary of State attached ____ Trust Registration Statement attached
8. If the City Council determines that the highway or public right-of-way parcel to be abandoned and vacated has a fair market value of twenty-five hundred dollars (\$2,500.00) or more, and the landowner did not originally dedicate the parcel to the public for use as a highway or public right-of-way, **the applicant may be requested to provide a certified appraisal at the applicant's expense and pay to the City the fair market value of the public right-of-way parcel.**

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OF CITY HIGHWAY SYTEM HIGHWAY AND/ OR RIGHT-OF-WAY**

Idaho Code Sections 50-311, 50-1306A, and 40-203

PETITION REQUEST

Petitioner's Legal Name: _____

Address: _____

Phone: _____

E-mail _____

[Petitioner to mark with an X and initial as appropriate to Petitioner circumstances]

Please describe the Petitioner's interest in and reasons for vacating and abandonment of the Highway/
public right-of-way which is the subject of this Petition: [If inadequate space, attach addendum to this
Petition Request]

Petitioner [was _____ or was not _____] the owner who dedicated/transferred the subject Right-of-
Way to the City.

LEGAL DESCRIPTION of the Highway, or public right-of-way, which is the subject of this Petition for
Abandonment and Vacation. [If inadequate space, attach legal description to this Petition Request]

Provide and attach an ACCURATE SCALE DRAWING of the area and adjacent property affected
showing all property lines and methods of access to other properties in the event this Petition Request is
granted. [Only the City Engineer and/or Public Work's Director may waive this requirement.]

Scale drawing attached: _____[initialed by Petitioner]

Petitioner's signature herein is Petitioner's verification that all information above stated is true and
correct. Petitioner's Signature: _____ Date: _____

PETITION PROCESS

FOR OFFICIAL USE ONLY BELOW THIS LINE

All blanks are to be initialed and dated by the appropriate City officials as indicated. P.W.D. means
Public Works Director . E. means City Engineer . C means City Clerk. If a blank is not appropriate, the
City official shall indicate N.A. and his/her initials.

This Petition Request Process is in chronological order and the stage of the process is evidenced by the official's initials. City officials shall not process this Petition Request unless all the steps preceding the official's action have been completed on this form.

Completed by City Clerk

Above Petition Request form has been submitted. Fee: _____ Paid by: _____

Petition Request form and routed to Public Works Director: _____ [date] Initialed by C. _____

Completed by Public Works Director

Review by Public Works Director of Petition Request: _____ [date] Initialed by P.W. D. _____

Public Works Director and the City Engineer verify information on Petition regarding City's ownership of Highway and/or Right-of-Way, subject of the Petition Request. [City Engineer and/or Public Works Director may at this stage consult with City Attorney as needed for review regarding City ownership and procedural issues]: _____ [date] Initialed by E./ or P.W. D. _____

City Engineer and Public Works Director verify information on subject Highway and/or Right-of-Way concerning whether it is, or part is, in a plat.

Within or partially within a Plat: _____ Yes _____ No

_____ [date] Initialed by P.W..D. _____

_____ [date] Initialed by E. _____

Public Works Director and/or City Engineer inspects the subject Highway and/or Right-of-Way to:

- 1) Determine if there are any obstructions and/or encroachments and/or installations therein; and
- 2) Determine if there are any easements for continued use and service of existing and/or possible new sewer, gas, water, or similar pipelines and appurtenances, or other underground facilities as defined in Section 55-2202, Idaho Code, and/or ditches or canals and appurtenances, and/or electric, telephone and similar lines and appurtenances as allowed by law, and/or by the original dedication in the plat in the subject Highway and/or Right-of-Way; and
- 3) Determine if there are any intersecting roadways and public use of or access to parcels by use of the subject Highway and/or Right-of-Way; and
- 4) Determine if there are any other circumstances relative to the interests of the public in the subject Highway and/or Right-of-Way; and
- 5) Photograph and document existing conditions within subject Highway and/or Right-of-Way; and
- 6) In the event the Petitioner did not transfer the subject Highway and/or Right-of-Way to the Highway District, make a preliminary determination of whether or not subject Highway and/or Right-of-Way has a fair market value of \$2,500.00 or greater and, in the event it does

exceed said value, determine and recommend whether or not the payment of fair market value should be a subject of a condition of abandonment and vacation. [See I.C. § 40-203 (1) (i)]

Public Works Director and/or City Engineer prepare preliminary recommendations regarding the Petition Request.

Recommendations attached: _____[date] Initialed by E.____ and / or P.W.D. _____

Initial meeting/s with Petitioner held, which includes Public Works Director and/or City Engineer or designee. Agenda for meeting to include review with Petition Request and preliminary recommendations of the Public Works Director and/or City Engineer. Until all recommendations of Public Works Director and/or City Engineer have been addressed and satisfactorily resolved, the initial meeting may be continued from time to time to complete this process.

Initial Meeting completed satisfactorily: _____ [dates] Initialed by E.____ and/or P.W.D. _____

Agreed Recommendations of Public Works Director and/or City Engineer and Petitioner attached: _____[date] Initialed by P.W. D.____ and/or E. _____

Petition Request Submitted to Wilder City Council for purpose of setting a Public Hearing date.

_____ [date] Initialed by C._____

City Council sets Hearing for following date and time: _____
_____ [date] Initialed by C. _____

Secretary clarifies and follows notice process as required by I.C. §§ 50-1306A

Causes Notice of Hearing to be prepared and Causes the same to be:

1) Published 1 a week for 2 consecutive weeks with the last publication not less than 7 days before the hearing ; and

2) Mailed certified mail at least 10 days prior to the date of the hearing to all property owners within 300 feet of the boundaries of the area described in the petition to be vacated and abandoned.

Notice is to be mailed to known owners and operators of any underground facility, as defined in Section 55-2202, Idaho Code, at least 30 days before the hearing. Notice to be mailed to any city within one (1) mile of the subject Highway and/or right-of-way and causes a copy to be mailed to all political subdivisions providing services within the subject Highway and/or right-of-way.

_____ [date] Initialed by C._____

Public Works Director and/or City Engineer conduct any additional need investigation into subject Petition Request and **finalize recommendations** and report to the City Council for public hearing and supply copy to Petitioner prior to hearing.

_____ [date] Initialed by P.W.D. _____ _____ [date] Initialed by E._____

Clerk prepares Affidavit of Mailing, and receives Affidavit of Publication from Idaho Press-Tribune for the record of the hearing: _____ [date] Initialed by C._____

Public Hearing Conducted by Mayor and City Council : Hearing is recorded and exhibits and reports made part of the record along with testimony of Petitioner, testimony and recommendations of Public Works Director and/or City Engineer and any other persons with relevant testimony.

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City Council makes preliminary decision and request Legal Counsel to Prepare Findings of Fact, Conclusions of Law and Order of Decision, and set a date and time for receipt of the same and for final decision on Petition Request. _____ [date] Initialed by C. _____

City Council finalizes and adopts **Findings of Fact, Conclusions of Law and Order of Decision**. Copy Findings of Fact, Conclusions of Law and Order of Decision is provided to Petitioner and anyone demanding notice thereof. _____ [date] Initialed by C. _____

Certified Copy of the Findings of Fact, Conclusions of Law and Order of Decision **is recorded** only in the event the Petition is Granted and/or conditionally granted. _____ [date] Initialed by C. _____

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