

TOWN OF COLLIERVILLE

Street Closure/Right-of-way Vacation Request

Planning Division
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GENERAL DESCRIPTION: Street closures of any kind, whether a simple gate or actual abandonment of public right-of-way via right-of-way vacation, require the approval of the Board of Mayor and Aldermen (BMA) based on a recommendation from the Planning Commission (PC). The PC will look at very specific criteria outlined in this checklist, and it is up to the applicant to make their case for the street closure (including abandonment of rights-of-way). Expect a 90-day process and a nonrefundable review fee is applicable, so be sure to plan ahead. When associated with new construction or subdivisions, street closure often track simultaneously with site plan applications. In short, the street process occurs through three basic steps, described in this checklist in more detail below:

1st Step: Pre-Application Conference (with staff)

2nd Step: DRT (Departmental Review Team) Review (staff-only)

3rd Step: Two Public Reviews (PC recommendation and then BMA consideration by Ordinance). If successful, additional steps may be needed to actually change the ownership of the street right-of-way from the Town to another party (if applicable).

What should my cover letter contain? Cover letters for street closure applications should address, at a minimum, the following:

- Information about who is requesting the closure and why they are requesting it;
- The requested timing for the closure;
- Whether or not a petition for the closure has been created and how many signatures are on the petition;
- Anticipated impacts on existing utilities; and
- Answers to the following nine (9) "tests" so that the Town can determine whether the general public welfare would be best served by the proposed closure:
 1. Whether the Town has a foreseeable or possible use of the property.
 2. Whether the public benefits from the use of the street as part of the Town street system.
 3. Whether the proposed action is consistent with the Town's Land Use Plan, Major Road Plan, and Subdivision Regulations.
 4. The removal of public access does not adversely affect access to other property(s).
 5. The street has been impassable for vehicular travel and public funds have not been expended for maintenance of the street.
 6. The availability of alternative action to alleviate the identified problems.
 7. The effect of the proposed action on utilities such as water, sewer and electric.
 8. The effect of the proposed action on the safety of pedestrian and vehicular traffic.
 9. The effect of the proposed action on the provision of municipal services including but not limited to emergency services and solid waste removal services.

Submittal Requirements for a Street closure Request

Staff (DRT) Review Phase:


- Completed application form (see Preapplication Conference notes for guidance on how to complete form)
- Cover Letter addressing the "Criteria for Street Closure" (see instructions below for required content)
- Review Fee: \$500
- Street Closure Petition – See sample street closure petition (page 3)
- Utility Company Reviews (abandonment request only) - The applicant shall send letters to all applicable utility companies to obtain their comments regarding the impact of the request on utilities. The companies shall provide recommendations as to what action to take regarding the request. See example letter (page 3).
- Full Size Set of Plans – Two (2) Copies (see checklist for required content)
- Reduced Size (11"x17") Set of Plans – Five (5) Copies (see checklist for required content)
- Legal Description of street closure area (abandonment request only)
- Vicinity Map showing all property owners within five hundred (500) feet of the street closure area and all persons located in the subdivision.
- Copy of the subdivision plat, if applicable
- Electronic Version of the entire submittal package (PDF Format - on disk)
- Other Information that was specifically requested at the Preapplication Conference (recent survey, traffic study, photographs of the site, etc.)

Public Review Phase Submittal Requirements:

- Completed Application Form (updated from the DRT Phase)
- Cover Letter (see instructions below for required content)
- Legal Description of street closure area (abandonment request only), Vicinity Map, and Street Closure Plan (see instructions for format), updated from the DRT submittal as needed:
- Full Size Set of Plans – Two (2) Copies (see checklist for required content)
- Electronic Version of the entire submittal package (PDF Format - on disk)
- Other information that was specifically requested at the Preapplication Conference (recent survey, traffic study, photographs of the site, etc.)

Street Closure Plan Requirements:

- ❑ Be drawn in black ink to a scale not less than 1-inch equals 100 feet (1" = 100'-0).
- ❑ Be prepared on sheets no larger than 24" x 36" and numbered sequentially if submitted in multiple pages (including a sheet index). All lettering shall be at least 0.1 in size and shall be mechanically drawn (no hand lettering permitted).
- ❑ The date and north arrow shall be shown.
- ❑ The property lines of all parcels within 500 feet of the street closure area shall be shown.
- ❑ Property lines of the street closure area shall be shown in heavy outline.
- ❑ Vicinity map depicting 1-mile radius in all directions around the street closure.
- ❑ Name of property owner(s) and property tax map I.D. number of all property adjacent to the street closure.
- ❑ The zoning classification and land use of all properties surrounding the street closure.
- ❑ All streets and alleys in the general area shall be shown. The widths of the rights-of-way shall be noted.
- ❑ All existing easements shall be shown within the street closure.
- ❑ Any existing asphalt or other improvements shall be shown. The applicant shall be responsible for removing any existing improvements. The property owner(s) shall assume all maintenance obligations for the street closure.



Town of
Collierville
Permit & Application Center

Consider Applying Online or Using Dropbox: Planning-related permits/development applications can be submitted through the online Permit & Application Center. This solution will allow you to upload PDF versions of the plans and documents, track the status of the permit/application, and much more! If you pay fees online there will be a 3.5% convenience fee. Otherwise, you can mail a check to Town Hall noting the case number and project. See this checklist for what needs to be uploaded. Go to the following link to get started: <https://collierville.portal.iworq.net/portalhome/collierville>. In most cases, paper copies will still be needed of application materials in addition to PDFs submitted online. To avoid coming into Town Hall, feel free to use the green "Development Department Dropbox" on the east side of Town Hall next to the Codes Division entrance. To be able to check on the status of your application and upload PDF revisions later, you will need a "Contractor Code" number that will be assigned when you apply for the first time. For those that submit to the Town often, you will use the same contractor code for all new applications. Please direct questions about submitting online Planning-related applications to planning@colliervilletn.gov or 901-457-2300.

What does it take to closing the street if the BMA approved the request? The BMA must close a public street by ordinance, which takes three readings. If the BMA approves the request, the applicant will be expected to prepare any appropriate real estate instruments necessary to effectuate the vacation/abandonment of the right-of-way and/or closure of the street. After the BMA meeting, the applicant shall submit all instruments to the Town Attorney for review and approval. All costs attendant with the preparation of instruments and their recording shall be borne by the applicant. Costs associated with the actual street closure, including gates, special emergency access features, costs of removal of asphalt/curbs, repair/restoration of any area where the street has been removed, and legal costs are generally borne by the applicant, unless otherwise approved by the BMA. Each street closure application is considered on a case-by-case basis.

What does the Town mean when it says street or right-of-way in the context of a street closure request?

- **STREET.** A publicly maintained right-of-way, other than an alley, which affords a primary means of access to abutting property. The word **STREET** shall include the words "road," "highway" and "thoroughfare" (also see **PRIVATE STREET**). [1]
- **Easement** - An interest in land in the possession of another which (a) entitles the owner of such interest to a limited use or enjoyment of the land in which the interest exists; (b) entitles him to protection as against third persons from interference in such use or enjoyment; (c) is not subject to the will of the possessor of the land; and (d) is capable of creation by conveyance. [2]
- **Major Street or Road** - A public way that is classified as a collector or arterial public way according to these regulations or by the major street or road plan for the jurisdictional area. [2]
- **Major Street or Road Plan** - The plan adopted by the Planning Commission, pursuant to Section 13-4-302, Tennessee Code, showing, among other things, "the general location, character, and extent of public ways.... (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways...." [2]
- **Minor Street or Road** - A public way that is not classified as an arterial or collector. [2]
- **Public Way, Public Right-of-Way** - Any publicly owned street, alley, sidewalk, or right-of-way which provides for movement of pedestrians or vehicles. [2]
- **Right-of-Way** - A strip of land occupied or intended to be occupied by a public or private way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or for another similar use. The usage of the term "right-of-way", for land platting purposes, shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and shall not be included within the dimensions or areas of such lots or parcels. [2]
- **Utility(ies)** - The physical equipment and materials associated with distribution or collection systems for water, electricity, natural gas, telecommunications, sanitary sewer, and storm water drainage. [2]

Sources:

- [1] From the §151.003 (DEFINITIONS) of the Collierville Zoning Ordinance
- [2] ARTICLE V, SECTION 2 (DEFINITIONS) Collierville Subdivision Regulations

SAMPLE PETITION:

The property owners within the subdivision consent to the street closure at

Legal description of street closure area: (may attach to the petition) _____

The petition is based upon the following: _____

We realize that street closures are governed by State law and that this application may not be approvable. We realize that, if the application is approved, the use of the property may be circumscribed and restricted and that all costs of maintaining the former right of way will be borne by the property owner(s).

Acknowledging these facts, we wish the Town proceed with its evaluation of this request. (May attach additional sheets)

PARCEL NO.	PROPERTY OWNER	ADDRESS	SIGNATURE

SAMPLE UTILITY COMMENT FORM:

Date: _____

Utility Company: _____

We are proposing to vacate the utility easement located at (*insert general location/address*) _____

Attached to this letter are the legal description of the street to be closed and a vicinity map.

In order to act on this proposal, the Town of Collierville needs to have the comments of any affected utility. Please indicate how the proposed vacation would affect existing utilities and provide a recommendation to the Town regarding the request. Please mail your comments to me so I may submit an application to the Town.

Sincerely,

(*Insert Applicant's signature and address here*)