

## **Procedure for Vacation of Road, Easements, Commons Identified on a Subdivision Plat.**

1. You must file three (3) copies of a petition with the County Counselor signed by ALL owners of ground lying on both side of or fronting on the area sought to be vacated.
2. The petition must set forth the names of ALL owners of ground lying on both sides of or fronting on the area sought to be vacated. The petition must contain a legal description of the area sought to be vacated with Plat maps if available. Plat Maps may be obtained in the Recorder of Deeds.
3. The petition must be filed at least forty-five (45) days before the hearing date.
4. Hearing for vacations are held by the County Council. You must contact and meet with the County Counselor in order to obtain the exact date of hearing.
5. You must provide notice of the petition at least fifteen (15) days prior to the hearing. It is your responsibility to provide the notice. Notice may either be published in a newspaper, published in the County, or posted in five (5) public places in the County. Proof of Notice must be filed with the County in the form of an affidavit of publication, or an affidavit stating the times and locations of the posting. Proof must be provided to the County Counselor at least ten (10) days prior to the scheduled hearing.
6. The Notice must state the nature of the petition, the date of the hearing and a description of the area to be vacated.
7. Notice must also be provided to any and all utility providers who provide service in the area sought to be vacated whether they are located on the subject property or nearby. Proof of notice and mailings must be provided to the County. Mailings must be sent via regular U.S. mail and return receipt requested.
8. **ANY QUESTIONS SHOULD BE DIRECTED TO A LICENSED ATTORNEY. THE COUNTY, COUNTY COUNSELOR OR ANY COUNTY DEPARTMENT CANNOT GIVE LEGAL ADVICE, NOR CAN THE COUNTY ASSIST WITH THE PREPERATION OF THE PETITION.**

The requirements for vacation can be found in the Section 71.270 RSMo.