



Duckett Creek Sanitary District

3550 Hwy. K, O'Fallon, Missouri 63368-8384

Ph: (636) 441-1244
Customer Service Fax: (636) 498-8100
Engineering Fax: (636) 498-8150

APPLICATION REQUEST TO VACATE PUBLIC EASEMENT(S)

APPLICANT (if other than real property fee owner):

Company Name

Printed Name, Title

Street Address

City/State/Zip Code

Telephone Number (Day)

Email Address

FEE OWNERS OF THE REAL PROPERTY BURDENED BY THE EASEMENT BEING REQUESTED TO BE VACATED (attach additional):

Company Name

Printed Name, Title

Street Address

City/State/Zip Code

Telephone Number (Day)

Email Address

INFORMATION OF THE PROPERTY AND EASEMENT TO BE AFFECTED: _____

LEGAL DESCRIPTION: _____

STREET ADDRESS: _____

This completed application including the following must be submitted for review and consideration by the District.

- A legal description of the proposed easement vacation.
- A scaled exhibit of such easement vacation, correlated with its legal description and clearly showing the location;
- Copies of the deed(s) on file with the office of the St. Charles County Recorder of Deeds evidencing ownership of the property(s) burdened by the easement;
- Copies of all deeds, plats, easements, instruments of dedication or such other records or documents on file with the office of the St. Charles County Recorder of Deeds evidencing the location, nature and extent of the right(s)-of-way subject to the application.
- The notarized signature(s) of the applicant(s), fee owner(s) and agents of the fee owner(s), if any, certifying the accuracy of the required information. If the applicant(s) or fee owner(s) of the real property are a trust or business entity, then proof of the authority of the party executing the application must be provided by way of resolution, minutes, trust agreement, operating agreement, or other legally appropriate means;
- Non-Refundable Application fee of \$200.00 provided.

Additional costs and fees may also include the costs and fees associated with a vacation include an appraisal fee, a vacation fee (based on the appraised value of the property), professionally prepared project drawings and plans, maps and plot plans, and traffic analysis. Applicant will be notified of any additional costs and fees upon review of this application by the Director of Engineering and Operations.

The application fee is waived for all Federal, State or local government, local governmental unit, and public or municipal corporation applicants.

*** Before signing this application, familiarize yourself with all District procedures and requirements related to the vacation of public easements and make sure all items above are completed ***

**THE UNDERSIGNED APPLICANT OF THE REQUEST TO VACATE PUBLIC EASEMENT(S)
HEREBY CERTIFIES THE ACCURACY OF THE INFORMATION PROVIDED IN THIS
APPLICATION:**

Authorized Signature

Printed Name

Title

STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

On this _____ day of _____, 20____, before me personally appeared _____, to
_____, to
me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that
they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State
aforesaid the day and year first above written.

Notary Public

My Commission Expires:

THE UNDERSIGNED FEE OWNER(S) OF THE REAL PROPERTY BURDENED BY THE EASEMENT BEING REQUESTED TO BE VACATED HEREBY CERTIFIES THE ACCURACY OF THE INFORMATION PROVIDED IN THIS APPLICATION: (attach additional):

Authorized Signature

Printed Name Title

Authorized Signature

Printed Name Title

Authorized Signature

Printed Name Title

Authorized Signature

Printed Name Title

STATE OF MISSOURI)
) SS
COUNTY OF ST. CHARLES)

On this _____ day of _____, 20____, before me personally appeared _____, to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid the day and year first above written.

Notary Public

My Commission Expires:

Pursuant to the above application, this request may be granted under the following conditions:

The District Policy pertaining to the vacation of public easements are provided by the Board of Trustees.

There is no right under law to vacate public easements. In order to do so, a discretionary legislative approval is granted by the Board of Trustees to the District Director of Engineering and Operations to vacate public easement(s) unless the Director of Engineering and Operations determines that to do so is not in the District or public interest. Part of that determination is to assure that potential development and use of the vacated easement(s) would serve the public interest in a significant way. The Board is not bound by land use policies or this ordinance in making easement vacation decisions and may condition or deny vacations as it may deem necessary, in its sole discretion, to protect the public interest. The District will generally not support vacations that do not advance the District's planning and operational goals, particularly if inconsistent with the desired intensity of development and preferred uses. In making this determination, the Director of Engineering and Operations will weigh three components of the public interest described as follows:

- a. Public Trust Functions: The District will consider the impact of the proposed vacation upon the operation, expansion, use, and access provided by the easement(s);
- b. District System Impacts: The District will consider the impacts of the proposed vacation to the District's system, properties, and facilities; and
- c. Public Benefit: Benefits accruing to the public from the vacation of the right-of-way will be considered. The proposal must provide a long-term benefit for the general public.

The Director of Engineering and Operations will make a threshold assessment of the feasibility of a potential vacation whenever possible. As part of this threshold assessment, the Director of Engineering and Operations will consider the impact of the proposed vacation on the function of the District system and may either grant or deny the requested easement vacation.