

# Vacation of Right-of-Way Application



RIGHT-OF-WAY & PROJECT INFORMATION	
Property Address (approximate):	
Right-of-Way Name (if applicable):	
Right-of-Way Area (square feet):	Current Zoning:
Current Zoning of adjacent properties:	
Legal Description (note if attached):	
Brief Project Description:	

FOR INTERNAL USE ONLY
Case #:
Date Received:
Pre-Application Discussion:
Hearing Date:
Assigned to:
Fee Paid:
Third Party Deposit:

PETITIONER INFORMATION	
Petitioner	
Petitioner's Name:	Phone:
Address (City, State, ZIP):	
Email:	

PETITIONER SIGNATURE	
By signing, the Petitioner consents to this application for a vacation of right-of-way.	
Petitioner Signature	Date
Sworn to before me this ____ day of _____, 20____.	
Notary	

## SUPPLEMENTAL MATERIAL

The following attached items include required forms, templates, and informational material to complete this application.

- Public Hearing Cost Recovery Form
- City-Owned Right-of-Way Vacation Process

## APPLICATION CHECKLIST

Please submit the completed application form and all required materials to:

City of Highland Park  
Department of Community Development - Planning Division  
1150 Half Day Road, Highland Park, Illinois 60035

Questions? Contact the Planning Division at 847.432.0867 or visit [cityhpil.com](http://cityhpil.com).

### **Completed Application Form**

- Complete in its entirety
- Petitioners' name(s) should be written exactly as on the proof of ownership
- Notarized signatures of all owner(s) and petitioner(s) are mandatory

### **Application Fee**

- Application Fee: \$150
- Make check payable to: City of Highland Park

### **Third Party Cost Recovery Form & Fee**

- See City Staff for Third Party Cost Recovery Fee
- Make check payable to: City of Highland Park

### **Project Narrative**

- Describe the project and why the vacation is necessary.

### **Other Exhibits**

- Photos, letters, reports, requested materials, etc.

# Public Hearing Cost Recovery Fees

## Third Party Cost Recovery

During the course of reviewing and processing development applications the City of Highland Park often incurs expenses for third party consulting costs. In order to efficiently process zoning applications, every filed petition is subject to certain cost recovery fees (“Cost Recovery Fees”) that are placed in a City escrow account (“Cost Recovery Fee Escrow”), as provided in Section 150.306 of “The Highland Park Zoning Code of 1997” as amended. Cost Recovery Fees are in addition to any and all other filing fees and other charges established by the City. Based on their typical complexity and need for third party consulting services, the Cost Recovery Fees for various projects are:

- Application Involving a Special Use: \$1,500
- Application Involving a Special Use w/exceptions: \$2,500
- Application Involving a Planned Unit Development: \$10,000
- Amendment to a PUD \$5,000
- Application Involving a Special Exception to Zoning: \$2,000
- Application Involving a Subdivision: \$750
- Application Involving a Major Subdivision: \$5,000
- Other Projects Not Herein Defined: Determined by Director of Community Development

The following items denote costs incurred by the City in processing a petition that would be deducted from the Cost Recovery Fee Escrow:

- Publication of notices
- Court reporter (if necessary)
- Professional and technical consultant services
- Document recordation Process
- Corporation Counsel, or other City retained attorney or law firm, consultation, meeting attendance, document preparation and review
- Copy reproduction

## Process

Every petition must be accompanied by the required petition fee and Cost Recovery Fee. Cost Recovery Fees will be forwarded to the Finance Division and deposited in a Cost Recovery Fee Escrow.

Within 90 days following final action on a petition, a final accounting will be made and any remaining funds in the Cost Recovery Fee Escrow after payment of the total actual costs due will be returned to the owner or petitioner.

In cases where the Cost Recovery Fees exceed the original deposit, Community Development staff will notify the petitioner and request additional funds in increments of \$1,000. Such funds will be forwarded to Finance and added to the Cost Recovery Fee Escrow. The City shall maintain an accurate record of all drawings from the Cost Recovery Fee Escrow.

Failure to pay any portion of the Cost Recovery Fee or replenish the Cost Recovery Fee Escrow within 30 days of the mailing of notice shall be grounds for refusing to process a petition and for denying or revoking any permit.

## Petitioner Agreement

By signing below, the owner or petitioner acknowledges that it is subject to all of the provisions contained in Section 150.306 of the Zoning Code and agrees to pay, and to have consented to, (i) the Cost Recovery Fees, (ii) any costs of collection that have not been paid within 30 days following the mailing of a written demand for payment to the owner or petitioner at the address set forth on the petition, and (iii) any additional Cost Recovery Fees assessed. No petition filed shall be considered complete unless and until all fees and deposits have been paid. Every approval granted and every permit issued, whether or not expressly so conditioned, shall be deemed to be conditioned upon payment of Cost Recovery Fees as required pursuant to City ordinance.

Responsible Party Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Billing and Refund Information	
This information will be used for all billing and refunds.	
Name:	Phone:
Address	City, State, ZIP:
Email:	

# City-Owned Right of Way Vacation Process

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- 1) **Proposal Letter**  
Submit a letter indicating your request, and payment of the required administrative fee, to the Department of Community Development.
- 2) **Departmental Comments & Approval**  
The Department of Community Development will route your request to other City departments for review and comment to the City Council regarding the request.
- 3) **Initial City Council Consideration**  
Upon review and comment by all relevant City Departments, Community Development staff will schedule presentation of the request to the Committee of the Whole of the City Council, for preliminary review and direction by the Committee of the Whole. The Committee of the Whole may decline to pursue the proposed vacation, or may direct City Staff to proceed in accordance with these Procedures and applicable law, with or without conditions.
- 4) **Appraisal of Subject Property**  
If directed by the Committee of the Whole, the City Manager will request a professional third-party appraisal of the subject right-of-way. The applicant will be responsible for the appraisal fee.
- 5) **Subdivision (Consolidation) Application and Plat Review**  
Concurrent with preparation of the plat of vacation, a plat of subdivision showing the consolidation of the subject right-of-way with the adjoining subject property should be prepared and submitted with a completed Subdivision Application and applicable fees, all in accordance and compliance with the City's Subdivision Ordinance. Subdivision applications are available at the Department of Community Development.

One full size copy and one 11" x 17" copy of the plat of vacation and plat of subdivision should be submitted for initial staff review. Staff may request modifications to the plat in order to conform to City and Lake County recording standards. Once revisions are complete, submit three full-size copies and one 11"x17" copy of the plat of vacation and subdivision; and, a PDF format digital copy of all plats of survey, vacation and subdivision.

The application will be processed through the City's minor subdivision process. See the Subdivision Application packet for Subdivision Regulations, which further details the process and requirements. In order for City Council to consider both your plat of vacation and plat of subdivision simultaneously, you will need to submit your subdivision application and both plats at least four weeks in advance of the City Council meeting.

- 6) **Plat of Vacation Review**  
A surveyor will need to prepare a plat of vacation that conforms to the City standards. Submit one full size copy of the plat of vacation, with the required signature blocks, to the Department of Community Development for review. Staff may request modifications to the plat in order to conform to City and Lake County recording standards. Once revisions are complete, submit three full-size copies and one 11" x 17" copy of the plat to the Department of Community Development along with a PDF digital file of each.

## City-Owned Right of Way Vacation Process Continued

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7) **Negotiation of Sales Price**

The sales price will be negotiated with the City Manager's Office. Adjoining property owners will be notified by the City of the opportunity to purchase the ½ of the right-of-way adjacent to their property, in accordance with Illinois law.

8) **Approval of Vacation and Plat of Subdivisions by City Ordinance**

Consideration of the proposed plat of subdivision, plat of vacation and corresponding ordinances prepared by the City's Corporation Counsel will be submitted for final consideration to the City Council at a public meeting. Neighbor notification will be required for the public meeting. At least 15 days prior to the meeting date, notice must be sent to all property owners within 400 ft. of the subject property.

9) **Payment**

Payment of the agreed sales price can be submitted in the form of a cashier's or certified check made out to the City of Highland Park. You will be responsible for payment of all legal fees incurred, the appraisal fee, and the agreed purchase price of the subject right-of-way.

10) **Recordation**

After City Council approval, you will need to submit to the City a mylar copy of the plats prepared for recordation, with all necessary signatures (the Community Development Department staff will collect all required City staff signatures). Together with the mylar copy of the plats, the City will have a certified copy of the City ordinance vacating the subject right-of-way recorded at the Lake County Recorder of Deeds in Waukegan, IL. Recordation of these documents, subsequent to all necessary payments owed the City, will be your proof of ownership of the acquired right of way. A copy of the recorded documents will be forwarded to you for your records.