

Procedure for Vacating Streets and Alleys



Dayton City Commission

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Persons who are interested in vacating a street or an alley in the City of Dayton should follow the procedure outlined below:

Review Process:

1. Request a review of the vacation by application including a map of the area and reason for the request. At that time a \$50.00 filing fee will be charged.
2. The DOP&CD will acknowledge the request.
3. The vacation request will be circulated to various City departments and private utility companies for technical comments to determine if there will be any conditions that must be imposed such as utility easements, and to the Priority Board in the area for citizen comments.
4. The applicant will be advised of the possible conditions and asked if they want to proceed.
5. The DOP&CD will consolidate comments and conditions, send notices to affected property owners, prepare a report and present the report to the City Plan Board (CPB).
6. Included in the report will be specific elements and criteria as outlined in Section 150.445 Vacation of Rights-of-Way in the Zoning Code, that the Plan Board will consider for the vacation request.
7. The CPB establishes the conditions under which the vacation would be acceptable.
8. The CPB Secretary advises the interested party by letter of CPB action and provides instructions on how to request formal vacation, either by Petition or Common Pleas Court.
9. The conditions are considered valid for twelve months so the applicant can pursue a formal request.

Formal vacation request by petition:

1. A petition form is available in the Division of Engineering and must be signed by 100% of the abutting property owners before formal request for vacation can proceed.
2. Petition is filed in the City Commission Office, 2nd Floor, City Hall. At that time, a \$150.00 fee will be charged.
3. The petition is processed and a Resolution of Intent is prepared for City Commission consideration.

4. The Division of Engineering notifies DOP&CD and requests that the Department of Law prepare a Resolution of Intent to vacate for the City Commission.
5. Following the adoption of the resolution, a Board of Revisions and Assessments (BRA) meeting is scheduled.
6. Notice of proposed vacation is served on each abutting property owner, and the BRA holds a public hearing.
7. The BRA submits a recommendation to the City Commission.
8. If the BRA recommendation is favorable, an ordinance to vacate is submitted for City Commission consideration.

Formal vacation request through Common Pleas Court (CPC):

1. Applicant's attorney files an action in CPC requesting the vacation.
2. The Court follows with appropriate notification to the various parties.
3. The City Law Department prepares the City's response based on the conditions established by the CPB.
4. If interested parties agree, the Court vacates the street or alley and notifies the City.

Typical Conditions:

1. The vacated area goes to adjacent property owners, divided along the centerline of the right-of-way.
2. The street opening or alley mouth must be replaced with curb and sidewalk constructed to City standards or a driveway permit obtained.
3. Where there are existing utilities, easements are generally required over part or all of the vacated area.
4. Adjacent property owners should agree to the vacation request in writing.
5. Dead end sections of streets or alleys are not permitted without appropriate turnaround areas.

Interested parties should be aware that the process for vacating a public right-of-way usually takes approximately 6 months. Any questions regarding these procedures should be referred to the Department of Planning and Community Development, (937) 333-3670.