

# PLAT VACATION APPLICATION

## Fremont County, Wyoming

Name of Subdivision: \_\_\_\_\_

Location: Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

Total Acres: \_\_\_\_\_ Number of Lots: \_\_\_\_\_

Name: \_\_\_\_\_

Owner of Record

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Email address: \_\_\_\_\_

### ACKNOWLEDGMENT

I have read and fully understand that the attached checklist must be fully completed, returned and all items must be on file in the Fremont County Planning Department before securing a place on the Fremont County Planning Commission agenda.

Printed Name: \_\_\_\_\_, Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Permit Fee Paid: \_\_\_\_\_

**PLEASE NOTE: ALL ITEMS UNDER STEP 1 OF THIS CHECKLIST MUST BE COMPLETED, SUBMITTED TO THE PLANNING DEPARTMENT, AND BE DEEMED CORRECT AND COMPLETE 21 DAYS PRIOR TO SECURING A PLACE ON THE PLANNING COMMISSION AGENDA.**

**FREMONT COUNTY, WYOMING  
PLAT VACATION  
CHECKLIST**

**STEP 1. Planning Department Review**

Date Submitted:

- \_\_\_\_\_ Meet with the Planning Director to outline procedure, ask questions, and determine potential meeting schedule.
- \_\_\_\_\_ Be aware that a survey may be required to provide a new description of the ‘vacated’ property. This will result in a Deed covering the ‘new’ parcel.
- \_\_\_\_\_ Complete and submit “Plat Vacation Application”.
- \_\_\_\_\_ Pay the appropriate fee as described in the current Fremont County Planning and Rural Addressing Fee Schedule (Appendix B).
- \_\_\_\_\_ Provide the Planning Department a “Petition for Vacation” signed and executed describing the reason for the vacation request.
- \_\_\_\_\_ Provide eight (8) copies of the proposed plat to be vacated or request the Planning Department procure the copies (a copy fee will be applied).
- \_\_\_\_\_ Does this request vacate the entire Plat? If yes, have all the landowners of record signed the Plat Vacation recording document? (A copy of the Recordation Document is attached)
- \_\_\_\_\_ Does this request vacate a portion of the Plat? If yes, would the vacation impact a road? Would the vacation abridge or destroy any rights or privileges of any property owners? Any yes response will require a signed agreement by all impacted owners including any replacement easement that may be required for continued access and verification of continued legal access. Additionally, all landowners of record wishing to participate in the partial Vacation must sign the Plat Vacation recording document.

\_\_\_\_\_ Is the property subject to restricted covenants? If yes, a copy of the covenants must be provided to the Fremont County Planning Department.

\_\_\_\_\_ If yes, and the request to vacate the subdivision would result in the violation of a covenant or would harm a member of the subdivision (i.e. less paying members to a maintenance agreement), you must provide a document signed by all parties subject to the covenants agreeing to terminate or modify the relevant covenant, allowing the vacation. If the covenants are to be removed, a recorded Vacation of Covenants document must be signed and filed by all parties subject to the covenant. (a copy of the Vacation of Covenants is attached)

\_\_\_\_\_ If the platted subdivision is located within one mile of a municipality or within one-half mile of a municipal airport the proposed development must also be reviewed by that municipality, and approved. Contact the appropriate city or town office. County and Town Planning Commissions *MAY* review the proposal in tandem.

\_\_\_\_\_ Access onto state or county roads must be retained via a written authorization from the appropriate agency or via recorded easement.

\_\_\_\_\_ Open Title Commitment: An Open Title Commitment Report from a title company is required.

The Open Title Commitment must include:

- How title is held (Fee Simple, Contractual Interest, etc.);
- Vesting of the owners in the property;
- Legal Description of the property;
- Tax status;
- All easement, rights-of-way, covenants, mortgages, etc;
- A copy of all easements.

\_\_\_\_\_ If the property has any mortgage(s) or lien(s) all mortgage holders must submit a signed copy of the Consent of Mortgager to Allow Vacation. (A copy of the Consent is attached)

\_\_\_\_\_ If the property is subject to a conservation easement, note here on the application that there is and provide a copy to the Fremont County Planning Department.

\_\_\_\_\_ The above *COMPLETE* information must be submitted at least twenty one (21) days before the date of the monthly meeting.

## **STEP 2. Fremont County Planning Department Responsibilities**

- \_\_\_\_\_ Fremont County Planning will contact all known public utility companies for review of easements. All companies providing service to and or through the area to be vacated must be granted new recorded easements through the vacated portion of the Plat.
  
- \_\_\_\_\_ Fremont County Planning will notify the adjacent and nearby landowners within a 400' radius of the proposed subdivision and any property owners along a privately maintained access road, via First Class Mail to seek their input into the vacation.
  
- \_\_\_\_\_ Fremont County Planning will arrange to have the Plat reviewed by the Fremont County Planning Commission. The Planning Commission meets the fourth Thursday of each month at 7:00 p.m. in the Courthouse in Lander, however times and dates can vary due to workload and sometimes Holidays.
  
- \_\_\_\_\_ The developer/owner of the property (or knowledgeable representative) **MUST** be present at the Planning Commission meeting when the proposal is reviewed.

Additionally:

Early in your process and **Prior to the Planning Commission Meeting**, contact each of your adjacent landowners and explain your proposal to them. Resolving issues with your neighbors at the beginning saves a great deal of time and possible conflict.

## **STEP 3. Planning Department/Planning Commission Inspection**

- \_\_\_\_\_ Prior to formal review, the Planning Department and members of the Planning Commission shall visit and review the proposed vacation.

## **STEP 4. County Commissioner Approval**

- \_\_\_\_\_ Following approval from the Planning Commission, Fremont County Planning will secure a place on the agenda with the Board of County

Commissioners for their approval. The County Commissioners normally meet the first three Tuesdays of each month.

**STEP 5. Filing Approved Documents and Paying Final Fees**

\_\_\_\_\_ Following approval by the County Commissioners, the Applicant shall be notified by the Planning Department that the Vacation is complete.

\_\_\_\_\_ **Prior to recording the Plat Vacation Recordation Statement**, the Subdivider shall be responsible for paying Fremont County Planning Department all remaining fees, including: postage mailings, copy fees and all fees indicated in Appendix B of the Regular Subdivision Regulations.

\_\_\_\_\_ Once approved by the County Commissioners, you **MUST** record the approved Vacation Statement in the Office of the County Clerk. The recording fee will depend on the documents being recorded.

\_\_\_\_\_ Following recordation of the Vacation, a Deed **MUST** be contemporaneously recorded of the newly created parcel.

**Approved Vacations must be filed within one year of approval or they will be VOID.**

**Developer:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signature:** \_\_\_\_\_