

# TOWN OF COLLIERVILLE

## Easement Vacation/Abandonment Checklist

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**GENERAL DESCRIPTION:** The vacation/abandonment of public easements that belong to the Town of Collierville (water, sewer, public utility, access, drainage, etc.) requires the approval of the Board of Mayor and Aldermen (BMA) based on a recommendation from the Planning Commission (PC). The PC and BMA must verify that it is appropriate to abandon/vacate an easement only upon a finding that the general public welfare would be best served by the proposed action. If the PC recommends that that BMA not vacate the easement, the applicant still has the right to request vacation from the BMA, but does so with an adverse recommendation from the PC.

**Optional Pre-Application Conference with Town Staff:** As a service to the prospective applicant/property owner, staff offers the opportunity for a Pre-application Conference with key staff. Pre-application Conferences are intended to be a "one-stop shop" for potential applicants to meet with all departments involved in the development process at the same meeting. They can prove to be very beneficial to both the applicant and staff, as the officials responsible directly for the review (Planning, Engineering, Codes, Fire, Public Services, Police, and Parks & Recreation, etc.) can be in attendance, if requested.

The primary purpose of the meeting is for Staff to explain the applicable development processes, permits, and fees pertinent to the project prior to applicants submitting a formal Easement Vacation/Abandonment application. These meetings also provide an opportunity for the applicant to discuss his/her proposal with Town officials and get their input. Applicable rules and regulations will be discussed as they relate to the proposal, but the Pre-application Conference does not constitute an application nor are any preliminary staff comments binding. In addition to notes from the meeting taken by the Staff, other relevant information will be made available to the applicant at the end of the meeting (applications, checklists, forms, latest fee schedule, submittal calendar, etc). Formal notes are taken during the meeting by staff and emailed to the potential applicant after the meeting for a record of what was discussed.

Pre-application Conferences are typically scheduled every Tuesday afternoon from 1:00 pm to 5:00 pm at the Development Department located at Town Hall. Each meeting is usually an hour long. A Pre-application Conference can be scheduled by contacting the Planning Division at 901-457-2360.

**Criteria for Easement Vacation/Abandonment:** The PC and BMA shall consider the following criteria in determining whether the general public welfare would be best served by the proposed action:

1. Whether the Town has a foreseeable or possible use of the easement;
2. Whether the public benefits from the use of the easement;
3. Whether the proposed action is consistent with the Town's regulations (Town Code, Subdivision Regulations, etc.);
4. The removal of the easement does not adversely affect access to other property(s);
5. The availability of alternative action to alleviate the identified problems;
6. The effect of the proposed action on utilities such as water, sewer, public drainage, gas, telecommunications, and electric;
7. The effect of the proposed action on public pedestrian and/or vehicular access; and,
8. The effect of the proposed action on the provision of municipal services including, but not limited to, emergency services and solid waste removal services.

### Submittal Requirements for an Easement Vacation Request

#### Public Review Phase:

- Completed general application form (see Preapplication Conference notes for guidance on how to complete form)
- Review Fee: \$500
- Cover Letter – Two (2) Copies – The letter should explain the reasons for the request and contain written responses to the Criteria for Easement Vacation/Abandonment (restate the criteria in letter and provide response).
- Statement from the affected utilities
- Recent survey of easement – Two (2) Copies
- Legal description of easement – Two (2) Copies
- Other Information that was specifically requested at the Preapplication Conference
- Electronic version of the entire submittal package (PDF Format - on disk, flash drive, or emailed)

**Post-Approval Phase:** The applicant shall prepare all appropriate real estate instruments necessary to effectuate the easement vacation. The applicant shall submit all instruments to the Development Department for processing, along with any recording fees.

**Utility Company Reviews** - The applicant shall send letters to all applicable utility companies to obtain their comments regarding the impact of the request on utilities. The companies shall provide recommendations as to what action to take regarding the request. See example letter attached.

**Post-Approval Phase:** If the BMA approves the request, the applicant shall prepare all appropriate real estate instruments necessary to effectuate the easement vacation. After the BMA meeting, the applicant shall submit all instruments to the Development Department. The Town Attorney must review and approve the documents before they are signed and recorded. All costs attendant with the preparation of instruments and their recording shall be borne by the applicant.

**SAMPLE UTILITY COMMENT FORM:**

Date: \_\_\_\_\_

Utility Company: \_\_\_\_\_

We are proposing to vacate the utility easement located at (*insert general location/address*)  
\_\_\_\_\_

Attached to this letter are the legal description of the easement to be vacated/abandoned, a survey of the easement, and a vicinity map showing the general location.

In order to act on this proposal, the Town of Collierville needs to have the comments of any affected utility. Please indicate how the proposed vacation/abandonment would affect existing utilities and provide a recommendation to the Town regarding the request. Please mail your comments to me so I may submit an application to the Town.

Sincerely,

(*Insert Applicant's signature and address here*)

**Online Permit & Application Center:** For your convenience, the Development Department is providing a new online solution for Planning-related permit/development applications, fee payment, and plan submission. Before you apply online your first step will be to create a customer profile and add employees or consultants that need to do business on your behalf. This solution will allow you to upload PDF versions of the plans and documents, track the status of the permit/application, and much more! If you pay fees online there will be a 4% convenience fee. Otherwise, you can mail a check to Town Hall noting the case number and project. Instructions will be provided for submitting paper-versions of your application as well when you apply online.

Repeat customers will need an access code from the Planning Division (planning@colliervilletn.gov or 901-457-2300) to set up a new account. Go to the following link to get started: <https://twncollierville-tn.smartgovcommunity.com/Public/Home?conv=1>

Please direct questions about submitting Planning-related applications to the Online Permit & Application Center to planning@colliervilletn.gov or 901-457-2300.

