

BLACK HAWK COUNTY POLICY FOR VACATING, SELLING AND CONVEYING RIGHT-OF-WAY

Abutting property owners requesting conveyance of public right-of-way property owned by Black Hawk County must first submit a petition to the Black Hawk County Zoning Administrator. The petition must be accompanied by an "Intent to Vacate" form signed by each of the abutting property owners to the area to be vacated and include a non-refundable request fee of \$100. Right-of-way shall be vacated, sold and conveyed only after recommendation by the Planning and Zoning Commission and approval of the Board of Supervisors with consideration of the following adopted policies:

1. It shall be the policy that no right-of-way area shall be vacated, sold or conveyed unless it is deemed of no benefit to the public. No area shall be vacated if it would deny any property owner's existing access;
2. It shall be the policy to vacate, sell and convey only entire segments of streets or alleys, so as to avoid dead-end right-of-ways or small segments of vacated areas within a right-of-way;
3. It shall be the policy to offer, sell, and convey right-of-way to abutting property owners on both sides of the right-of-way, and to offer only their half, or the entire portion if the other abutting property owner declines their half;
4. It shall be the policy that it is the responsibility of the applicant to contact all property owners abutting the portion to be vacated and to obtain a signed document indicating that they have no objection to the request and indicating their intent to buy their half, decline their half, or to buy the entire portion in the event the opposite property owner declined their half or there is no opposite property owner;
5. It shall be the policy that vacated right-of-way shall be conveyed by quitclaim deed for the consideration of \$1.00 and other good and valuable consideration plus costs; and
6. All provisions of Chapters 306 and 354 of the Code of Iowa shall apply. When there is a conflict between this policy and the provisions of Iowa Code Chapters 306 and 354, said Code chapters shall prevail.