

**CITY-COUNTY
PLANNING COMMISSION
1141 STATE STREET
BOWLING GREEN, KY 42101**

Phone: (270) 842-1953 Fax: (270) 842-1282



**APPLICATION
FOR CLOSING
CITY RIGHT-OF-WAY**

Applicant(s) Information:

Name: _____ Phone: _____

Address: _____

Description and location of proposed right-of way to be closed:

Documentation Required: (KRS 82.405)

- A letter from the applicant(s), addressed to the City-County Planning Commission, requesting the right-of-way closing with an explanation of the request.
- A letter from Bowling Green Public Works or State Highway Department (whichever is applicable) stating:
 - (1) their agency anticipates no adverse impact with this closing;
 - (2) if the City right-of-way has been open for five (5) years to general public; and
 - (3) whether the City right-of-way has been accepted by the legislative body.
- An 11 x 17 copy of the recording plat giving dimensions of proposed closing ;
- An 8 ½ x 11 copy of the site to send with letter to adjacent property owners.
- List of **all** property owners abutting the City right-of-way to be closed; their mailing address; and required information per the attached form. (*Abutting property owner list*)
- Written, notarized consent to the closing from **all** property owners abutting the right-of-way. (*Property owner consent form*). If this is not obtained, a lawsuit may be filed in Circuit Court after the legislative body adopts an Ordinance approving the closing.

- ❑ A letter from the following agencies stating they agree with the proposed closing and stating any conditions they may have. i.e., easements, etc. (*Agency Consent Letter*)
 - Fire Chief of appropriate fire district
 - BG Police Chief or Warren County Sheriff (whichever is applicable).
 - Emergency Medical Department or Medical Center
 - Sanitation Service
 - Water District
 - Sewer District
 - Electric Division
 - Telephone company
 - Cable company
 - Gas company

When application and all required documents are obtained and complete:

1. The applicant(s) makes an appointment with City-County Planning Commission staff to submit completed application and all required documents.
2. The City-County Planning Commission staff:
 - (1) will set a public hearing date which the applicant(s) will need to attend;
 - (2) assign a docket number; and
 - (3) send letters to all adjacent property owners as submitted by applicant(s) notifying them of the public hearing and will place an advertisement in newspaper.
3. The City-County Planning Commission will hold a public hearing and make a recommendation to the legislative body recommending approval or disapproval of the right-of-way closing. The legislative body will consider the recommendation in accordance with the appropriate State Statute.
4. City Commission will verify the following findings of facts:
 - a. Identification of all property owners abutting the right-of-way to be closed was made;
 - b. Written notice of the closing was given to the property owners abutting the right-of-way to be closed; and
 - c. All property owners abutting the right-of-way have given their written and notarized consent to the closing.
5. After the City Commission makes these findings of fact (a), (b) and (c), it may enact an Ordinance reciting the finding of facts and declaring the public way or portion thereof closed without any further action. The Ordinance shall be recorded in the office of the Warren County Court Clerk.

6. Unless the findings of fact required in (4.) [a}, [b} and [c} are made by the City Commission, upon the adoption of an Ordinance by the City legislative body closing the whole or any portion of a public way, the City shall institute an action in Circuit Court to have it closed. All the owners of property in or abutting that public way or the portion proposed to be closed shall be made defendants. If all defendants fail to object to the closing within twenty (20) days after the date of service, the Court shall render a decree accordingly, but if any defendant(s) objects within that time, the Court shall award damages, if any, in the same manner as prescribed by the Eminent Domain Act of KY and shall direct that the public way be closed upon payment into court of the amount awarded. The Court shall give these proceedings precedence over other cases.

7. A plat must be recorded in Office of the Warren County Court Clerk adding closed right-of-way to adjoining properties with Court Document Number closing right-of-way, or the book and page number the Ordinance is recorded in closing the right-of-way.

NOTE: The cost of surveying, plat and deed preparation, court cost, etc., shall be the Applicant(s)' responsibility.

Fees:

Application Fee	\$330.00	Paid \$ _____	Date: _____
City Required Recording Fee	\$ 17.00		

Make checks payable to: **City-County Planning Commission**

The Planning Commission public hearing is scheduled for: _____

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF APPLICANT

DATE

ATTACHMENTS:

- Adjacent Property Owners List
- Example of Consent Form
- Example of Agency Consent Letter