



RIGHT OF WAY/EASEMENT CLOSURE REQUEST

NOTE: COMPLETE SECTIONS IN WHITE.

Application # _____	Date _____	Reviewed By _____
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Subject Property Address _____

Agent Name _____	Address _____
Phone _____	Fax _____ E-mail _____

Owner/Developer _____	Address _____
Phone _____	Fax _____ E-mail _____

Surveyor _____	Address _____
Phone _____	Fax _____ E-mail _____

Zoning District _____

Alleyway Street			
Legal Description	Lot	Block	Addition
Legal Description	Lot	Block	Addition
Specific Action Requested			

Application Fee	Account Number: 08-01-475000-000	Cost \$100.00
Tech Review Date:	Site Plan	Letter

APPLICANT: I, THE UNDERSIGNED APPLICANT, DO HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAW AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY STATE OR LOCAL LAW.

I/We, _____, ("Owner") am/are all of the owner(s) of real property ("Property") generally located at _____, consisting of approximately ___ acres, as shown in the evidence of ownership, *Exhibit A*, attached to this Agreement, and made a part hereto as though set out word for word herein.

The Property is subject to the regulatory programs of the City of Siloam Springs, Arkansas. For purposes of this

Waiver, "regulatory programs: shall be defined as set forth in Act 1002 of 2015. I/We have requested that the City take/approve the land use action ("Requested Action") herein set forth: _____

I/We acknowledge that as the request is processed for approval, changes may be made to the details and requirements for approval of the request. Some of these changes may materially alter the request, so that the final approval may be substantially different than originally requested. I hereby acknowledge and agree that this waiver shall include and apply to any and all such changes, regardless of execution of an additional waiver applicable thereto.

I/We acknowledge that the Requested Action may alter my/our rights to use, divide, sell or possess our Property, and that, by signing this Agreement, I/we hereby agree to waive any and all claims for diminution in value for the Property which may arise pursuant to Act 1002 of 2015 or otherwise as a result of the City's actions, including but not limited to approvals, denials or conditions of approvals with respect to the above-described Requested Action.

I/we hereby further understand that the City is acting in reliance upon my/our representations in this waiver.

APPLICATION AND WAIVER OF CLAIMS FOR DIMUNITION OF VALUE SIGNATURE

PROPERTY OWNER

DATE

BOD APPROVED	DENIED	
BOD SIGNATURE		
Resolution Number	Ordinance Number	



Right-of-Way Closure Approval Process

All referenced documents and guides are located on the City's website, www.siloamsprings.com, look under the Planning Division.

Application	Legal Notice**	Technical Review Meeting 2:00 pm	Board of Directors 6:30 pm	Board of Directors 2nd Reading	Board of Directors 3rd Reading
<i>Number of Calendar Days*</i>	N/A	15 - 21	30 - 37	44 - 51	58 - 65
RIGHT-OF-WAY CLOSURE	1	2	3	4	5-PROCESS COMPLETE

**For exact timing, please see the development calendar. Read dates across from left to right on the application submittal date.*

Basic Application Steps: Note: these steps differ slightly from those of the Development Procedures Manual (DPM).

- STEP 1.** Set up pre-application meeting with City staff, due prior to formal submittal.
- STEP 2.** Hire a land surveyor to survey the alleyway or easement you wish closed. The survey needs to contain all items shown on the land use change checklist chart on page 26-27 of the DPM.
- STEP 3.** Submit Application. **DUE THE FIRST BUSINESS DAY OF THE MONTH**
 - A. Turn in Application form to Brian Phillips – Planning Division
 - B. Payment of \$100.00
 - C. Email a PDF of the survey to bphillips@siloamsprings.com
 - D. Provide letter requesting the closure addressed to the Board of Directors to bphillips@siloamsprings.com. See DPM for details.
 - E. Provide a signed petition, with legal description, of all property owners with land touching the proposed right-of-way or easement closure to bphillips@siloamsprings.com.
- STEP 4.** Perform legal notification and provide documentation. See Brian Phillips for details, or consult the DPM.
- STEP 5.** Final survey submittal. City staff will email your land surveyor to work out changes needed to your survey, when this process is complete, five final paper copies are due to the Planning Division. These need to be signed by you and the surveyor. These are due 8 days prior to Board Review. Consult the Planning Development calendar for exact dates.

(continued on the back)

- STEP 6.** Ownership Verification Form. Use the form provided in the DPM, pp. 27-28 of the DPM or as attached to your permit application. This form will be filed alongside with the plat. Five original copies are needed. Submit this form along with your final survey. Please contact City staff with questions.
- STEP 7.** Board Review. Attend the Board of Directors meeting for final approval of your right-of-way closure. See the Development Calendar for the meeting date. Note: you will need to attend three separate, consecutive board meetings. This is because right-of-way closures require an ordinance which is typically approved in three meetings. You can request that more than one reading be done at one time, this needs to be made directly to your Board representative. The closure goes into effect 30 days after the adoption of the ordinance AND when the survey is filed. The City Clerk will file the ordinance with the Benton County Circuit Clerk.
- STEP 8.** Filing. You are required to take the five signed copies of the survey to Benton County Circuit Clerk's office, in Bentonville, to file. It costs \$15.00 per unique page to file (copies are the same price).
- STEP 9.** Return two signed and filed copies of the survey and ownership verification form to the Planning Division. This completes your approval process.