

**Effective 11/6/2025**

**10-20-813 Petition to vacate a public street.**

- (1) In lieu of vacating some or all of a public street through a plat or amended plat in accordance with Sections 10-20-803 through 10-20-812, a legislative body may approve a petition to vacate a public street in accordance with this section.
- (2) A petition to vacate some or all of a public street or municipal utility easement shall include:
  - (a) the name and address of each owner of record of land that is:
    - (i) adjacent to the public street or municipal utility easement between the two nearest public street intersections; or
    - (ii) accessed exclusively by or within 300 feet of the public street or municipal utility easement;
  - (b) proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or municipal utility easement sought to be vacated; and
  - (c) the signature of each owner under Subsection (2)(a) who consents to the vacation.
- (3) If a petition is submitted containing a request to vacate some or all of a public street or municipal utility easement, the legislative body shall hold a public hearing in accordance with Section 10-20-208 and determine whether:
  - (a) good cause exists for the vacation; and
  - (b) the public interest or any person will be materially injured by the proposed vacation.
- (4) The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street or municipal utility easement if the legislative body finds that:
  - (a) good cause exists for the vacation; and
  - (b) neither the public interest nor any person will be materially injured by the vacation.
- (5) If the legislative body adopts an ordinance vacating some or all of a public street or municipal utility easement, the legislative body shall ensure that one or both of the following is recorded in the office of the recorder of the county in which the land is located:
  - (a) a plat reflecting the vacation; or
  - (b)
    - (i) an ordinance described in Subsection (4); and
    - (ii) a legal description of the public street to be vacated.
- (6) The action of the legislative body vacating some or all of a public street or municipal utility easement that has been dedicated to public use:
  - (a) operates to the extent to which it is vacated, upon the effective date of the recorded plat or ordinance, as a revocation of the acceptance of and the relinquishment of the municipality's fee in the vacated public street or municipal utility easement; and
  - (b) may not be construed to impair:
    - (i) any right-of-way or easement of any parcel or lot owner;
    - (ii) the rights of any public utility; or
    - (iii) the rights of a culinary water authority or sanitary sewer authority.
- (7)
  - (a) A municipality may submit a petition, in accordance with Subsection (2), and initiate and complete a process to vacate some or all of a public street.
  - (b) If a municipality submits a petition and initiates a process under Subsection (7)(a):
    - (i) the legislative body shall hold a public hearing;
    - (ii) the petition and process may not apply to or affect a public utility easement, except to the extent:
      - (A) the easement is not a protected utility easement as defined in Section 54-3-27;
      - (B) the easement is included within the public street; and

- (C) the notice to vacate the public street also contains a notice to vacate the easement; and
  - (iii) a recorded ordinance to vacate a public street has the same legal effect as vacating a public street through a recorded plat or amended plat.
- (8) A legislative body may not approve a petition to vacate a public street under this section unless the vacation identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the public street.

Renumbered and Amended by Chapter 15, 2025 Special Session 1