



CITY OF CHICAGO



CHICAGO DEPARTMENT OF TRANSPORTATION

### **PROPER NOTICE TO NEIGHBORS**

The Department of Transportation insists upon standard notice to all non-applicant owners that might be affected by a proposed vacation.

The Department of Transportation asks that all owners adjacent to an area to be vacated participate in the vacation process in some form. This may be as either an applicant (with them receiving a portion of the vacation), or as the grantor on a quit claim of their interests to the applicant. A quit claim typically involves either an exchange of funds or the development of a side agreement between the parties. Arrangements with involved neighbors should occur prior to application for vacation to the Department of Transportation.

CDOT will require proof of due diligence regarding any assertion by an applicant of non-responsiveness by any neighbor adjacent to the area to be vacated. A series of three formal letters must be sent, each meeting the following criteria precisely. Proof of delivery by a professional delivery or messenger service along with signature acknowledgement of receipt and delivery date are required for each letter to be considered proper notification.\* All correspondence should be on dated letterhead to the title holder or their legal counsel with the owner copied.

**Letter One** (To the legal title holder, or their legal counsel with the owner copied)

- 1) State the proposal to vacate and provide a map of the vacation location with the neighbor's location cited.
- 2) Detail the options for participation (co-application, negotiation for a quit claim, or access easement).
- 3) Provide your CDOT contact name and phone so the neighbor can call to discuss.
- 4) Request owner's disposition in three weeks / 21 calendar days.

**Letter Two** (If no written response by deadline, send another letter including:)

- 1) Attach a copy of prior correspondence. Restate the proposal to vacate.
- 2) Restate the options for participation (coapplicant, quit claim, or access easement)
- 3) Request owner's disposition within two weeks / 14 calendar days.

**Letter Three** (If no response by deadline, send another letter including:)

- 1) Attach copies of past correspondence.
- 2) Request the owner's final disposition within two weeks / 14 calendar days.
- 3) State the applicant's intention to proceed with the vacation. Also state the intention to grant a perpetual access easement if no response is received by the deadline.
- 4) Commit to sending the neighbor a copy of the recorded ordinance and plat memorializing the access easement upon completion of the vacation for their records and convenience.

\*Proof of ownership for that property is part of the normal process and should be consistent with the entity to whom the letters are addressed.