

### 6.3.4 Release or Modification of Private Access Easement

#### A. Authorization and Procedure

Private access easements created by documents or plats approved by the Planning Commission may be modified or released in accordance with this section. Applications for closing a private access easement shall be made in accordance with the procedures established in Chapter 11.

#### B. Non-Utility Access Easements

If an easement was established for private access only (and does not include an easement for sewer, drainage, or utilities), the Planning Director or designee may approve the release or modification of a private access easement if all of the following conditions are satisfied:

1. The applicant has submitted the notarized consents of 100% of the property owners adjoining the easement to be modified or released, extending in either direction to the nearest intersecting streets (three or four way intersection).
2. The easement is not necessary for access, or alternate appropriate access is provided.
3. If the easement was created by a minor plat, the applicant must obtain approval of a revised minor plat in accordance with the Subdivision Regulations. If the easement was created by a recorded major subdivision plat, the applicant must obtain approval of an amendment to the record plat in accordance with the Subdivision Regulations.

#### C. Joint Use Easements

If the easement is for private access, as well as sewer, drainage, or utilities, the Planning Director or designee may approve the release or modification of the easement if all of the following conditions are satisfied:

1. The applicant has submitted the notarized consents of 100% of the property owners adjoining the easement to be modified or closed, extending in either direction to the nearest intersecting streets (three or four way intersection).

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2. Written approval of the closure or modification is received from MSD, Public Works, Louisville Water Company and Louisville Gas & Electric (or successor organization).
  3. Thirty (30) days advance written notice of the proposed closure or modification is given to the following agencies/utilities (or their successors) and no objections are received within that time period:
    - a. BellSouth;
    - b. Louisville & Jefferson County Board of Health;
    - c. Planning and Design Services (E-911);
    - d. Agency responsible for police and fire services
    - e. Clerk of the legislative body having jurisdiction;
  4. All necessary utility easements are preserved or provided in alternate locations.
  5. The easement is not necessary for access or alternate appropriate access is provided.
  6. Easements created by minor plat must obtain approval of a revised minor plat in accordance with the Subdivision Regulations. Easements created by a recorded major subdivision plat, must obtain approval of an amendment to the record plat in accordance with the Subdivision Regulations.
- D. Limitation of Commission Authority

The above conditions may not be waived by the Planning Commission. If all of the above conditions are not satisfied, neither Planning and Design Services staff nor the Planning Commission may approve the closure or modification.

E. Recording

Documentation of the release or modification shall be recorded in the office of the Jefferson County Clerk.