



CITY OF BANDON STREET AND ALLEY VACATION PROCESS

Street/Alley Vacation Process When Proposed by Affected Property Owners From Oregon Revised Statutes (ORS) Chapter 271.080 through 271.120

1. A petition is prepared by property owner and signatures gathered. (ORS 271.080)
2. A petition is presented to City staff and signatures reviewed. (ORS 271.090)
3. If petition is found adequate, then a date and time for City Council review is set and notice is provided to at least one petitioner. (ORS 271.090) The notice should explain that the City Council may choose to deny the request at the time of the initial review (ORS 271.100)
4. The City Council reviews the request without a public hearing. The Council may decide to deny the request. (ORS 271.100)
5. If the Council determines that there is no reason why the vacation should not be allowed, in whole or in part, then a public hearing is scheduled. (ORS 271.100)
6. Notice of the public hearing is published in the local newspaper for two consecutive weeks before the hearing. (ORS 271.100 (1)) Before notice is published, the petitioner shall pay the City for publishing costs and other anticipated expenses. The money shall be held until actual costs are ascertained and then any excess is refunded to the petitioner. (ORS 271.100 (3))
7. Within five days of the initial publication of notice, the City shall post a sign stating "Notice of Street Vacation" at either end of the area proposed for vacation. (ORS 271.100 (2))
8. City staff will prepare a staff report that will be available seven days before the hearing. The staff report shall provide findings regarding: (1) whether the consent of all affected owners has been obtained, (2) whether proper notice has been provided, and (3) whether the public interest will be prejudiced by the proposed vacation. (ORS 271.120)
9. The City Council shall either: (1) approve the vacation, (2) approve or deny the vacation in part and make such reservations as are in the public interest, (3) or deny the vacation. (ORS 271.120)
10. If the vacation is granted, wholly or in part, the City Council shall formalize the decision by adopting an ordinance. (ORS 271.120)

ORS 271 – VACATION

271.080 Vacation in incorporated cities; petition; consent of property owners. (1)

Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case, not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing. [Amended by 1999 c.866 §2]

271.090 Filing of petition; notice. The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.

271.100 Action by city governing body. The city governing body may deny the petition after notice to the petitioners of such proposed action, but if there appears to be no reason why the petition should not be allowed in whole or in part, the governing body shall fix a time for a formal hearing upon the petition.

271.110 Notice of hearing. (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

(2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and

Street Vacation,” as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.

(3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor. [Amended by 1991 c.629 §1; 2005 c.22 §196]

271.120 Hearing; determination. At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

271.130 Vacation on city governing body’s own motion; appeal. (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases. [Amended by 1995 c.658 §101]

271.140 Title to vacated areas. The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been

originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city. [Amended by 1981 c.153 §58]

271.150 Vacation records to be filed; costs. A certified copy of the ordinance vacating any street or plat area and any map, plat or other record in regard thereto which may be required or provided for by law, shall be filed for record with the county clerk. The petitioner for such vacation shall bear the recording cost and the cost of preparing and filing the certified copy of the ordinance and map. A certified copy of any such ordinance shall be filed with the county assessor and county surveyor.

CITY OF BANDON

VACATION APPLICATION

**YOUR APPLICATION WILL NOT BE SCHEDULED FOR REVIEW UNTIL IT
HAS BEEN DETERMINED TO BE COMPLETE**

Whenever anyone desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, a hearing BEFORE THE City Council is required.

Submit your application to:

City of Bandon
PO Box 67
550 Hwy 101
Bandon, OR 97411

PHONE (503) 347-2437

Please Print or Type

Applicant: _____ Phone: _____

Mailing Address: _____ City: _____ State: _____

Proof of the following needs to accompany this application

Applicant is the owner of the property;

Applicant is the purchaser of the property under a duly executed written contract who has the written consent of the vendor to make such application;

Applicant is the lessee in possession of the property who has written consent of the owner to make such applications; Applicant is the agent of any of the foregoing who states on the application that he is a duly authorized agent and who submits evidence of being duly authorized by his principal.

Property Owner: _____ Phone: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

FOR CITY OFFICE USE ONLY

Receipt #: _____ Date of Receipt: _____ Amount Paid: _____

VACATION APPLICATION

We, the signers of the attached vacate forms, do request that the City Council of the City of Bandon vacate the following street, avenue, boulevard, alley, plat, public square or other public place for the reason (s) and purpose(s) stated.

Description of Property to be vacated: _____

Reason for the vacation: _____

The purpose for which the vacated land is proposed to be used: _____

PRINTED NAME OF APPLICANT

SIGNATURE OF APPLICANT

DATE

OFFICE USE ONLY

RECEIPT NO: _____ DATE RECEIVED: _____

COUNCIL MEETING DATE: _____ PLANNING COMMISSION MEETING DATE: _____

COUNCIL HEARING DATE: _____ DATED FINDINGS OF FACT APPROVED: _____

ORDINANCE NO: _____ DATE ADOPTED: _____

DATE RECORDED WITH COUNTY: _____

CITY OF BANDON

CONSENT TO VACATE (ATTACHMENT TO VACATION APPLICATION)

I GIVE MY CONSENT TO THE VACATION OF THE LAND DESCRIBED AS:

(1 of this page for each property owner)

MY PERSONAL PROPERTY AS DESCRIBED BELOW IS:

ABUTTING THE PROPOSED VACATED LAND AS DESCRIBED ABOVE

LOCATED WITHIN THE REQUIRED NOTICE AREA FOR THE VACATION REQUEST

MY PROPERTY DESCRIPTION IS AS FOLLOWS:

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

STATE OF _____)

) ss

County of _____)

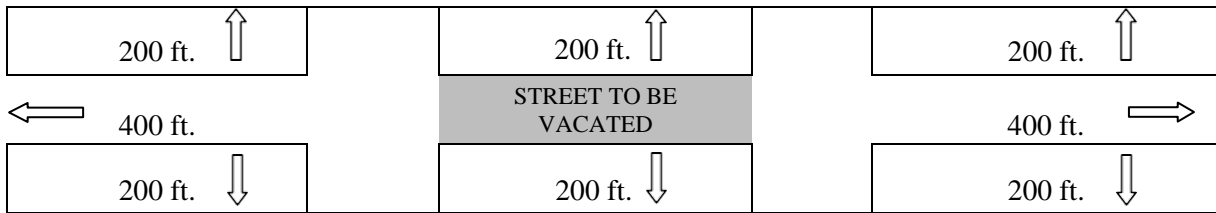
This instrument was acknowledged before me on _____, 20____ by

NOTARY PUBLIC FOR _____

MY COMMISSION EXPIRES: _____

VACATION SUBMISSION REQUIREMENTS

- A. A petition for the vacation of all or part of any street, avenue, boulevard, alley, plat, public square or other public place must include the following information:
1. A description of the property proposed to be vacated.
 2. The purpose for which the vacated land is to be used.
 3. The reason for such vacation.
 4. The consent of at least 2/3 of the property owners in the area of the real property affected:
 - a. Land lying within 200 feet on either side of the property or portion of property requesting to be vacated and extending laterally to the next street that serves as a cross street.
 - b. Land lying within 200 feet on either side of the property for 400 feet on each end of the portion to be vacated.
 - c. When a street is proposed to be vacated to its end, the land within 400 feet of each end will be counted.



5. A report from a Title Company or the County Assessor's Office showing the property owners within the required notification area. This report must be current, dated during the 30 days prior to submission of the application.
 6. The consent of all property owners listed shall be in writing and duly acknowledged before an officer authorized to take acknowledgements of deeds (such as a Notary Public). It is recommended that the applicant complete a consent to vacate page for each property owner to ensure that the consent is done correctly for their application.
- B. The application must include a map of the area, drawn to scale, with the following information:
1. All property proposed to be vacated clearly marked;
 2. The location, names, and width of platted roads, streets, alleys including right-of-way lines;
 3. All property proposed to be vacated clearly marked;
- C. A pre-application conference with staff is recommended.

VACATION APPLICATION REVIEW PROCESS

