

APPLICATION FOR PETITION TO VACATE RIGHT-OF-WAY

Planning Division
1000 Adams Avenue, P.O. Box 670
La Grande, OR 97883
(541) 962-1307
Fax (541) 963-3333



APPLICATION FEES: Preparation Fee [\$75]

APPLICANT INFORMATION

Petitioner Name: _____ Date: _____
Mailing Address: _____ Phone 1: _____
_____ Phone 2: _____

PROJECT INFORMATION

Location of Proposed Vacation: _____

Assessor Map(s) and Abutting Tax Lot Information: T____S, R____E, Section_____, Tax Lot(s)_____

☐ Attach legal description of vacation area *(Must be prepared by a professional Land Surveyor licensed in the State of Oregon)*

Existing Public Improvements: *(Check all that apply. If no existing improvements, then write none.)*

_____ Street _____ Sidewalk _____ Sewer _____ Stormwater Drainage
_____ Curb _____ Paths _____ Water _____ Utilities

Describe reason for request: _____

Describe any encroachments (buildings & fences) and significant site features (topography, rocks, trees, other): _____

CERTIFICATION: By signing, I certify that I have examined the completed application for petition to vacate right-of-ways and the information on this application is true and correct. I further certify that I have been provided with and have carefully read the City of La Grande's guidelines for **PETITIONS TO VACATE PUBLIC RIGHTS-OF-WAY. I UNDERSTAND THAT THERE IS NO GUARANTEE OF VACATION.** The vacation petition will be processed in accordance with the City of La Grande Land Development Code Ordinance and State Law.

I further certify that the information on this application is correct and that I am an abutting property owner or an abutting property owner has authorized me to pursue this application on his/her behalf (such documentation is attached).

NAME (PRINT OR TYPE)

SIGNATURE

DATE

PLANNING DIVISION USE ONLY

File No.: _____ Application Submitted: _____
Preparation Fee Paid: _____ Petition to Vacate Rec: _____
Receipt No.: _____ Application Complete: _____

The following instructions and process are for “**right-of-way vacation**” applications. *[per Oregon Revised Statutes, Chapter 271]*

INSTRUCTIONS

[STEP 1 – SUBMITTAL OF PRE-APPLICATION]

- ☐ 1. The **APPLICATION FOR LAND USE REVIEW** must be filled out completely, with an “X” in application box next to (☒) Public Right-of-Way Vacation. The applicant may be any property owner(s) adjacent to the right-of-way to be vacated or an authorized agent of a property owner(s). **The application submittal shall include the following:**
 - ☐ A. A **Map** highlighting the portion(s) of public right-of-way that are proposed to be vacated. The map must provide sufficient detail to identify the exact location, width and length of the area to be vacated.
 - ☐ B. A written **Legal Description** of the right-of-way to be vacated, prepared by a licensed surveyor, may be required. This requirement is dependent on the complexity of the right-of-way boundary. In most cases the Map discussed above is sufficient.
- ☐ 2. A **PREPARATION FEE OF \$75** shall accompany the application. This fee covers the costs for the City to prepare a “Petition to Vacate” for the applicant, which includes providing a list of registered property owners and a spreadsheet for tracking the consents required for a valid Application.

The Preparation Fee is non-refundable. It is, however, credited towards the total Application Fee (actual costs) if an Application for Petition to Vacate Right-of-Way (Step 2 below) is submitted within one year.

[STEP 2 – SIGNATURE GATHERING FOR PETITION]

- ☐ 1. Under Step 1, Subsection 2 above, the City will provide the Applicant with a “Petition to Vacate”. This Petition includes a list of affected property owners. State Law requires the following property owners to sign the Petition, giving their consent and support for the proposed vacation:
 - A. **Abutting Owners (100%):** Every property owner that owns property directly adjacent, on each side, to the public right-of-way to be vacated must sign the Petition to Vacate.
 - B. **Affected Owners (2/3 or 66.6%):** Two-thirds (2/3) of the remaining property owners within the “affected area” must sign the Petition to Vacate. This 2/3 is based on land area, not the number of actual owners.
Definition: “Affected Area” – an area measuring 400 feet off each end and 200 feet off each side of the area to be vacated. Typically, this would provide an 800+ foot long by 400+ foot wide area. A map showing this boundary will be provided by the City under Step 1, Subsection 2 above.
- ☐ 2. (OPTIONAL) – The City will provide a spreadsheet (prepared in MS Excel) that lists all of the property owners and their land area(s) that lie within the “Affected Area”. This spreadsheet can be used to keep track of the number of consents received and the progress towards achieving the required 2/3 consents. The spreadsheet can be provided electronically, via email, upon request.

[STEP 3 – SUBMITTAL OF APPLICATION FOR PETITION TO VACATE RIGHT-OF-WAY]

- ☐ 1. The **APPLICATION FOR PETITION TO VACATE RIGHT-OF-WAY** must be filled out completely and signed by the applicant. The Application shall be accompanied by the following:
 - ☐ A. A **Petition to Vacate**, prepared by the City under Step 1, Subsection 2 above.
 - ☐ B. Sufficient property owner signatures of **Consent to Vacate**, as discussed in Step 2 above.
 - ☐ C. **Application Fee Deposit of \$800.** This fee is credited towards the total Application Fee (actual costs). Should the actual costs be greater than the \$800 deposit, plus the \$75 preparation fee, the applicant will be billed for the difference. If the actual costs are less, the applicant will be refunded the difference.

PROCESS

[STEP 4]

Upon completion of Step 3, the Application for Petition to Vacate Right-of-Way is processed as follows. **The applicant can anticipate the following process taking a minimum of five (5) months.**

- ☐ 1. **City Council Acceptance.** The application is first presented to the City Council for acceptance. If the City Council feels that the request has merit, it may accept the application by Resolution, forwarding the request to the Planning Commission for review and recommendation. *[Month 1]*
- ☐ 2. **Planning Commission Review and Recommendation.** The Planning Commission shall conduct a public hearing after notification of all property owners within the “affected area.” The Planning Commission shall review the proposal for compliance with the City’s right-of-way standards, consider property access issues, utility locations, easements, etc. and make a recommendation to the City Council. *[Month 2]*
- ☐ 3. **City Council Review and Decision.** Upon receipt of the Planning Commission recommendation, the City Council shall conduct two (2) public hearings to consider an Ordinance (this requires a first and second reading of the Ordinance) declaring the requested right-of-way to be vacated. *[Months 3 and 4; with a 30 day appeal clause for the Ordinance, extending to Month 5]*

[STEP 5 – PAYMENT OF FINAL APPLICATION FEE AND FINALIZE ORDINANCE]

- ☐ 1. **Invoice – Final Payment.** The total application fee is based on the “actual costs” for processing the application. The City will prepare an invoice indicating the actual costs incurred in processing the request. The invoice will reflect a \$75 credit for the Preparation Fee paid in Step 1 above.

The invoice will be mailed to the applicant. The applicant is responsible for providing full payment of the invoice. When multiple property owners are sharing the cost of the vacation process, it is the responsibility of the applicant to collect all payments and consolidate them into one payment made payable to the City of La Grande.
- ☐ 2. **Finalize Ordinance.** Once the invoice has been paid in full, the Ordinance vacating the public right-of-way will be recorded in the deed records with the Union County Clerk and a copy provided to the Union County Assessor’s office for updating the tax maps to show the right-of-way vacation.