

VACATION OF RIGHT-OF-WAY REVIEW/APPROVAL CRITERIA



Application Filing Fee - \$350.00 plus \$300.00 deposit towards the cost of Notice and Recording

Pre-Application Conference

A pre-application conference is required for all requests, unless the Director indicates otherwise. The purpose of the conference is to provide an exchange of information regarding applicable Codes, programs, plans, and policies, and to provide technical assistance. Conceptual plans are acceptable for this process; however, the more information provided the more details can be determined.

Purpose

Municipal Code Chapter 4.06 set forth the process to vacate City public ways including all or part of a street, avenue, alley, plat, public square or other public place dedicated to the public.

Procedure

The Community Development Department circulates the application for review by other City Departments and utility providers. After all interested parties have submitted written comments on the proposal, the City Recorder's schedule a public hearing for City Council to review and action on an Ordinance.

Type of Review

Ordinances require a public hearing notice to be published each least once and posted in at least two places at or near the right-of-way proposed to be vacated for two consecutive weeks, and mailed at least 20 days prior, to the applicant, petitioners, and property owners 400 feet beyond the end and 200 feet laterally from the proposed right-of-way. Ordinances receive a first reading and at the next available meeting are adopted after a second reading, becoming effective 30 days later.

Approval Criteria

Per Chapter 4.06.040 the City Recorder is to initiate the proposed vacation proceedings mandated by State law by setting a public hearing before the City Council provided all affected City departments and public utilities support the application.

Additional LUDO Provisions

- A licensed surveyor shall prepare and sign a legal metes and bounds description of the area to be vacated and have the data approved the Douglas County Surveyor's Office.
- The applicant is to pay for the fair market value of the vacated public right-of-way. This is based on an appraisal prepared, at the applicant costs, by an appraiser licensed by the State of Oregon and qualified to appraise the type of public right-of-way to be vacated. If value is anticipated to be less than \$5,000.00, the City Manager may waive the requirements for a professional appraisal.
- If actual costs for processing are less than the initial deposit, the excess will be refunded. Within 20 days of notification, the applicant shall pay any identified additional costs beyond the initial deposit.