



CITY OF STAYTON STREET/ALLEY VACATION PROCEDURES

1. DEFINITION

When land has been dedicated as a public road, street, or alley, it may be returned to private ownership through the "vacation" process. Thus, when the way is vacated or abandoned, the ownership reverts to the adjacent property owners.

2. PRE-APPLICATION CONFERENCE

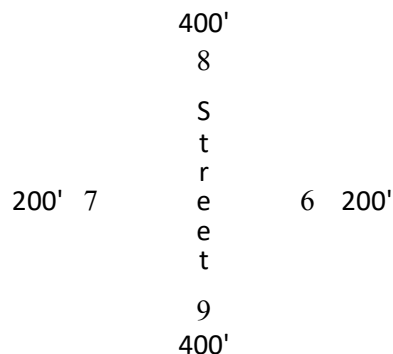
Prior to the formal filing of a street or alley vacation application, the applicant should arrange a pre-application conference with city staff. The meeting will enable staff to review the proposal and make initial recommendations. Staff can also determine if any additional information will be required before the application is completed and submitted.

3. APPLICATION

ORS 271.110 mandates a public hearing before the city council for street or alley vacation applications. Notice of the hearing is to be published in a local newspaper for two consecutive weeks prior to the hearing. Therefore, the application must be filed with the city a minimum of thirty (30) days prior to the date a public hearing could be held at a regularly scheduled council meeting. Council meetings are held the first and third Mondays of each month.

The application must be accompanied by:

- a. An application fee of \$500.00. The applicant will be responsible for all costs to the city related to processing the application and, assuming approval by council, subsequent costs of vacating the street or alley. Those costs will be deducted from the fee and the remainder will be returned to the applicant. The applicant will be billed if costs exceed the original fee paid.
- c. A general description of the area within the proposed vacation.
- d. A statement of the reason for the vacation application.
- e. A statement of the proposed use for the vacated area.
- f. A certified list of property owners of adjacent property up to:
 - i. The next parallel street or within 200 feet of the property, whichever is closer; and
 - ii. Within 400 feet of the ends of the portion of the street or alley for which the vacation is proposed.



The application must be filed within sixty (60) days after making such certification. A Certificate of Abstract from a title company incorporated under Oregon law shall be acceptable.

- g. The application must include a Signature of Consent for Resident Property Owners form (Attachment A) from:
 - i. All owners of property abutting the area proposed to be vacated; and
 - ii. All owners of at least two-thirds of the land described in f. above. Where a property has more than one owner of record, the petition must be signed by all owners. For example, if the property is held by a husband and wife, the applicant must obtain signatures from both the husband and the wife.
- h. The Signature of Consent form must be signed by the applicant before and be certified by a licensed notary public. The applicant thereby authenticates all signatures on the form.
- i. The application must include a Signature of Consent for Non-Resident Property Owners form (Attachment B.) which has been signed by all non-resident property owners. Signatures appearing on the Signature of Consent form for non-resident owners must be notarized individually.
- j. The application must include an 8½ x11 inch vicinity map. This map may be provided by the title company providing the certified list of property owners in the affected area. If the applicant is supplying the map, it must show:
 - i. the area to be vacated;
 - ii. the affected land as described in f. above;
 - iii. names and addresses of the owners of affected properties.

4. ACCEPTANCE OR DENIAL BY CITY COUNCIL

The completed application is presented to the city council and the council may either:

- a. Deny the petition with notice to the applicant; or
- b. Accept the petition and call for a public hearing on the matter.

5. NOTICE

The city will send notices of public hearing to the affected property owners and place a notice of public hearing in the Stayton Mail for two (2) consecutive weeks prior to the hearing. A notice must be posted by the applicant in the street or alley for which the vacation is proposed. The notices advise of the proposed street or alley vacation and the time and place of the public hearing before the city council.

6. PUBLIC HEARING

The city council will hear testimony from proponents and opponents of the proposed vacation. After the hearing, the council shall consider the proposal and testimony and shall render a decision for approval or denial of the vacation. If approved, the council will adopt an approving ordinance.

7. TITLE TO THE VACATED AREA

Upon vacation, title attaches to the lands bordering on the vacated area in equal portions. If the land was dedicated to the city, the land shall revert to the original owner or his successor.

8. FINAL RECORDING

The executed ordinance vacating the street or alley shall be filed with the Marion County Recorder.

CITY OF STAYTON
PETITION FOR VACATION OF STREET OR ALLEY

_____ HEREBY PETITIONS the City Council of the City of Stayton, Oregon to vacate the following described street or alley located within the city limits of the City of Stayton, Marion County, Oregon. To wit:

Reasons for submission of petition for street/alley vacation:

If vacation is granted, the vacated area will be used for:

The signatures attached to this petition as Attachment A and Attachment B, which are incorporated herein by this reference, represent the consent of all owners of land abutting the street/alley for which vacation is proposed, and the consent of landowners of not less than two-thirds of the area of real property, as defined by ORS 271/080(2), affected by this petition.

Date: _____ By: _____

STATE OF OREGON)
) ss.
County of Marion)

On this _____ day of _____, 20__, personally appeared before me the above-named _____, and acknowledged the foregoing to be (his/her) voluntary act and deed.

Notary Public for Oregon
My Commission expires: _____

SIGNATURE OF CONSENT FROM RESIDENT PROPERTY OWNERS

[illegible]

Notary Public for Oregon
My Commission expires: _____

ATTACHMENT B

**SIGNATURE OF CONSENT FROM
NON-RESIDENT PROPERTY OWNERS**

I, _____, assent to the vacation of _____, as
described in the attached application for vacation.

Date: _____ By: _____
(Signature)

(Name, printed or typed)

STATE OF OREGON)
)
County of Marion) ss.

On this _____ day of _____, 20__, personally appeared before me the above-
_____, and acknowledged the foregoing to be (his/her)
voluntary act and deed.

Notary Public for Oregon

My Commission expires: _____