



Engineering Department
231 NE Fifth Street
McMinnville, Oregon 97128
(503) 434 – 7312 Office
(503) 474 – 4955 Fax
www.mcminnvilleoregon.gov

ROAD/STREET VACATION APPLICATION Instructions and Required Information

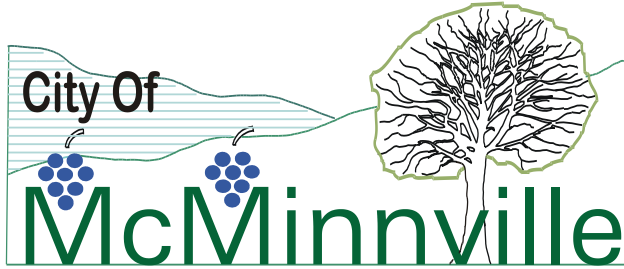
The Vacation Process is prescribed by Oregon Revised Statutes (ORS), Chapter 271. When property is vacated, the ownership of the area reverts to private parties, most often that of abutting property owners. Vacating property is a process that requires the petitioner (the person filing the application) to invest a significant amount of time, money, and work.

A vacation will be granted only in the event that all of the following conditions exist:

- There is no present or future public need for the street right-of-way, easement, etc.
- The vacation is in the best public interest.
- There will be no adverse impact to adjacent properties.
- There is written consent of 100% of the abutting property owners.
- There is written consent of two-thirds of the affected property owners.

The vacation application process consists of the following steps:

1. The applicant obtains a Vacation application and the Petition forms, contacts a licensed surveyor to prepare a metes and bounds description and map of the subject property and affected area, and submits the completed packet to the Engineering Department.
2. The Engineering Department will verify all requirements of the application have been met. Once the application is deemed complete, the Engineering Department will notify public utilities agencies.
3. The Engineering Department submits the application and petitions to the City Council for acceptance; the Engineering Department publishes and posts the notice of hearing; the City Council conducts a Public Hearing on the vacation application.
4. The City Engineer prepares an ordinance and submits it to the City Council for acceptance; the ordinance is then recorded at the Clerk's Office
5. The County assigns the vacated property to the new owners.



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ROAD/STREET VACATION CHECKLIST

The following list represents the minimum requirements for a vacation application submittal:

- Completed Vacation Application
- Completed Petition Forms
- A metes and bounds legal description and a map of the subject property prepared and stamped by a licensed surveyor
- A map showing the affected property area (see example).
- Paid application fee



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ROAD/STREET VACATION APPLICATION

We, the undersigned, request the described vacation and hereby acknowledge that we have read the above application and its attachments, understand the requirements described herein, and state that the information supplied is as complete and detailed as is currently possible, to the best of our knowledge.

Site Information

Site Address: _____

Subdivision Name: _____

Lot Number(s): _____

Map & Tax Lot(s): _____

Type of Vacation: Street Right-of-way Easement Other

Reason for Vacation: _____

Proposed Use: _____

Applicant Information

Applicant's Name: _____

Mailing Address: _____

City, State, Zip: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

Applicant's Signature: _____ Date: _____

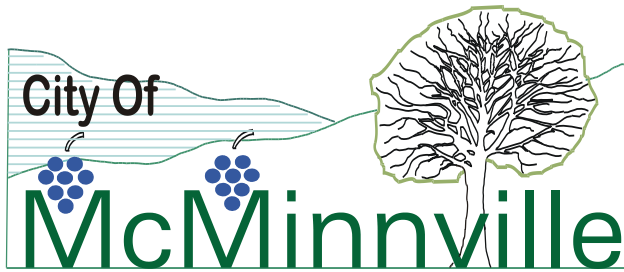
Applicant's Signature: _____ Date: _____

Note: A metes and bounds legal description and a map of the property to be vacated, prepared and stamped by a licensed surveyor, must be attached to this vacation application.

Office Use Only:

File No. _____ Date Received _____ Fee _____ Receipt No. _____ Staff Member _____

Council Date: _____ Published Date(s): _____ Public Hearing Date: _____

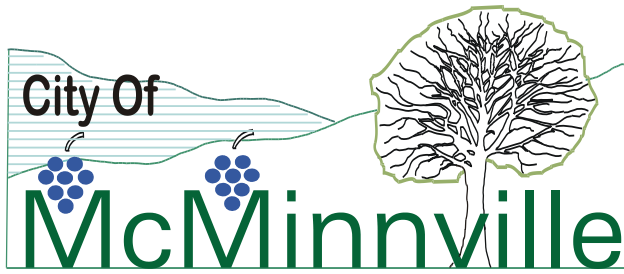


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VACATION PETITION

Instructions and Required Information

1. Upon receipt of a completed Vacation Application, supporting materials, and the application deposit, the Engineering Department will forward the petition forms, instructions, a printed list of owners in the affected area, and the affected area map to the applicant.
2. The applicant must collect the signatures of 100% of the abutting (persons owning the property immediately adjoining that part of the street or alley to be vacated) property owners. An example of the abutting area is outlined on the attached map.
3. The applicant must collect the signatures of two-thirds (2/3rd) of the affected property owners. “The real property affected thereby shall be deemed to be the land lying on either side of the street or portion of 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 be counted.” (ORS 271.080(2)). An example of the affected area is outlined on the attached map.
4. The applicant must also sign the petition forms.
5. After the completed petitions are returned to the Engineering Department, the Vacation Application and the petitions will be submitted to the City Council for acceptance. If accepted the City Council will set a Public Hearing date.



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VACATION PETITION

To: The Honorable Mayor and Council
of the City of McMinnville, Oregon

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, being the owners of the respective lots and parcels of land set opposite our respective names, do hereby consent to the vacation for purpose of Council jurisdiction and consideration, of all that portion of:

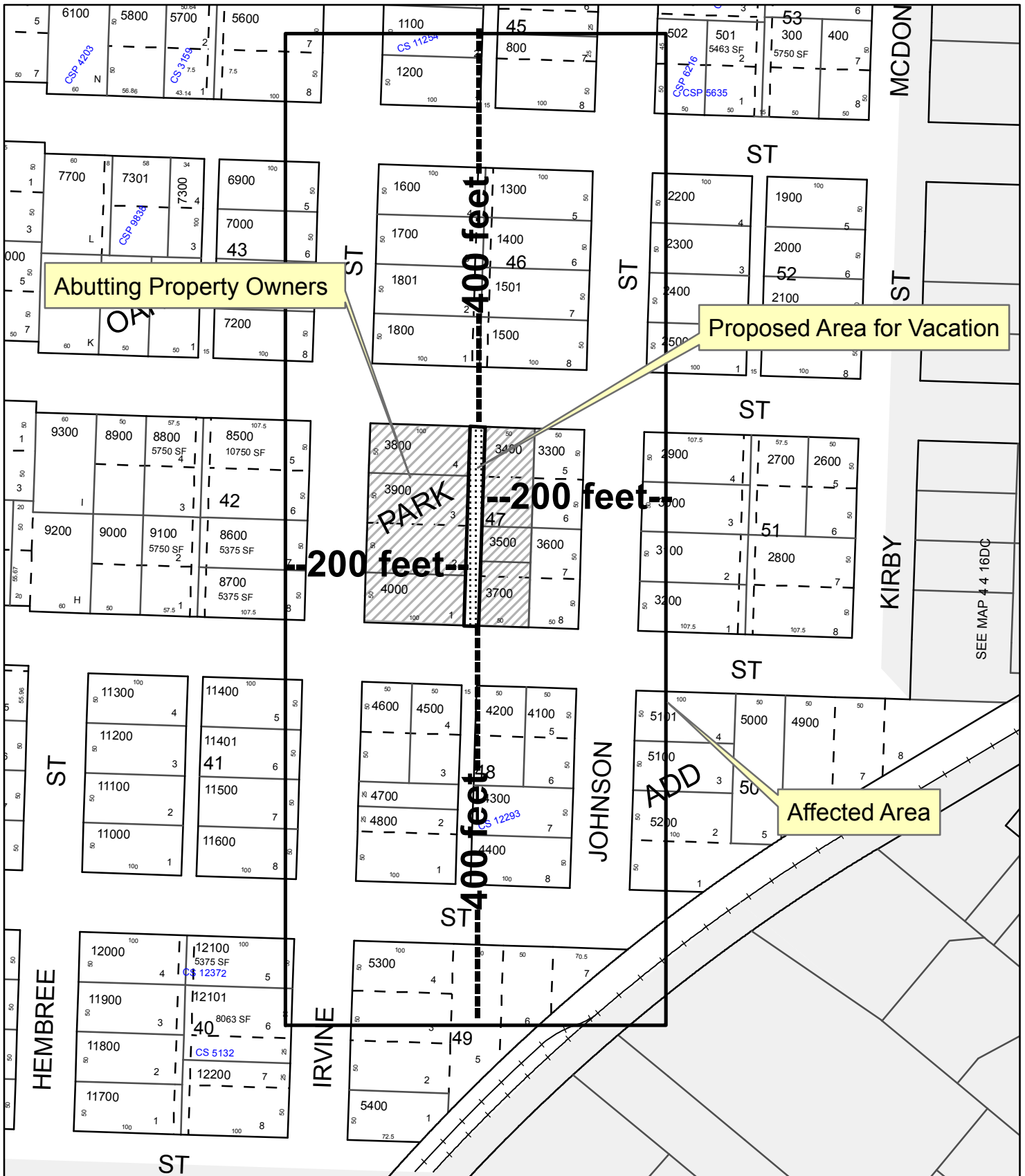
(insert metes and bounds legal description here)

in the City of McMinnville, County of Yamhill, State of Oregon, and we do hereby represent and guarantee that we are the lawful owner of the property set opposite our respective names.

Reason for vacation: _____

Proposed use of vacated property: _____

Example of Tax Map Showing the Abutting Properties and Affected Property Boundary



The "Affected Area" includes the land lying on either side of the area proposed for vacation 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.