

The vacation process

INSTRUCTIONS FOR FILLING OUT VACATION PETITION

The petition form may be used to initiate the vacation of all or part of a subdivision, public road, trail, public easement, public square, undesignated right-of-way or any other public property or public interest in property under the jurisdiction of the Coos County Board of Commissioners pursuant to ORS 368.326 to 368.366.

The Board of Commissioners **will not**:

1. Vacate property or any interest in property located within a city (ORS 368.326(1)), except as provided in 368.361.
2. Vacate public lands if the vacation would deprive an owner of a recorded property right of access necessary for the exercise of that property right, unless the Board has the consent of the owner (ORS 368.331).
3. Vacate property unless the vacation is in the public interest (ORS 368.356(1)). **This means that a public way cannot be vacated for the sole purpose of benefiting an abutting property owner**; however, a vacation will not be denied simply because the vacation confers a consequential benefit to an abutting property owner who may also be the petitioner.
4. Vacate property for the sole purpose of returning the property to the tax rolls.

Every question on this petition form must be answered before the Board of Commissioners can rule on your request for a vacation. Your answers must be complete and accurate in order to avoid delay, and all necessary attachments must be submitted with the petition. Failure to include all required information may affect the validity of the vacation.

After the petition has been completely filled out, it should be submitted, along with **one (1) identical copy** of the petition to:

Coos County Surveyor's Office

Address: 250 N. Baxter, Coquille, OR 97423.

A. Description:

1. General Description: Describe, in layman's language, what you want vacated. If a public road, include any official or common names and the beginning and ending point.
2. Legal Description: State the legal description of the land for which vacation is requested.

B. Petitioner's Property interest:

1. Attach a copy of the recorded deed that granted you the interest in the property.
2. Legal Description: Give a legal description of the land in which you have a property interest. State the lot, block and subdivision or township, range, section and tax lot number of your property.

C. Statement of reasons for vacation:

State why you want to have the subdivision, part of a subdivision, public road, trail, public easement, public square, undesignated right-of-way or other public property or public interest in property vacated.

D. Names and addresses:

List all owners who hold interest in the area to be vacated. These may be listed on separate attachments if necessary.

E. Improvements:

List all persons owning any improvements, including underground and/or overhead utilities.

F. Vesting:

State how the vacated property will be divided between abutting land owners.

G. Signatures:

Attached to the petition form is a signature sheet which may be photocopied and used to obtain the required signatures. The signatures must be notarized. When property is held in common, such as by husband and wife, the signatures of all owners must be obtained to be applied toward the sixty (60) percent requirement.

H. Plan:

A partition or subdivision must have Planning Department approval before the land is divided. The vacation does not grant approval of a proposed partitioning or subdivision of land. However, a map or plan for the proposed partitioning or subdivision is required.

I. Map:

You must attach a map of the property proposed to be vacated. **Mark the property intended to be vacated with black or blue hatch marks (NO HIGHLIGHTING).** The map must also show adjoining property ownerships. Maps can also be purchased from the County Assessor's Office or obtained online for no cost at <http://www.ormap.com>.

J. Flagging Corners:

You **MUST** place stakes with recognizable flags outlining the boundaries (all corners) of the area to be vacated. The purpose of these flags is to assist County Road Department officials in locating the area and reviewing the petition. You **MUST** place these flags with reliable accuracy and maintain the flags until the Board of Commissioners makes a determination on the vacation.

K. Filing Fee:

Fees for the vacation are calculated as follows:

Filing fee

Vacation not requiring a hearing

\$1983.21

¹Hearing fee (if a hearing is required) \$2960.49

The filing fee includes one street or alley within one block. Each additional street or alley (or portion thereof) within or adjoining a block is \$ 100

The filing fee and the fees for any additional streets or alleys are due at the time of filing. **These fees are nonrefundable unless withdrawn before the process is completed and if withdrawn only a partial refund will be issued.** The filing fee covers the costs of research, site visits, and reports by Coos County Roadmaster, Surveyor, Planning Department, and County Counsel.

A hearing will be required if the petitioner has not obtained consent from 100% of the property owners abutting the proposed vacation or the Highway Department has determined that granting the vacation will not be in the public interest. The hearing fee covers the cost of publication, the cost of certified letters, and staff time for the hearing.

If the vacation is granted, the petitioner is responsible for recording the vacation with the Coos County Clerk and paying the recording fee to the County Clerk.

The petitioner must then provide a copy of the recorded document to the Planning Department.

L. Acknowledgement of No Legal Advice.

M. Signature and Verification:

Sign and date the petition.

The statements made in the petition must be verified in front of a notary.

¹ If a hearing is required, an additional \$977.28 must be submitted to the Surveyor's Office prior to the hearing. This will equal the \$2960.49 noted above.

BOARD OF COMMISSIONERS
COUNTY OF COOS

In the Matter of the Vacation)
of Certain Property Located)
in Coos County, Oregon) **PETITION FOR VACATION**

I, We _____ petition
the Board of Commissioners for the vacation of the following property:

A. Description (attach additional sheets if necessary):

1. General Description:

(Example, 15th Street between Irving Street and Johnson Street)

2. Legal Description:

(Example, Portion of 15th Street lying between Lots 1 and 14 of Block 2 and Block 3 of Creager's Plat on T27S R12W Section 31BC)

B. Petitioner's property interest in area proposed for vacation
(attach additional sheets if necessary):

1. **Attach** a copy of the recorded deed that granted you the
interest in the property.

2. Legal description of interest:

(Example, T27S R12W Section 31 BC, tax lot 1300)

C. Statement of reason(s) why the vacation is in the public interest
(Refer to page 1 of instructions for grounds for granting the
vacation):

- D. Names and addresses of all persons holding any recorded interest in the property proposed to be vacated and/or all persons owning any real property including easements or other interests less than fee title, abutting the property proposed to be vacated (attach additional sheets if necessary):
- E. Names and addresses of all persons owning any improvements, including underground and/or overhead utilities, constructed on the property proposed to be vacated (attach additional sheets if necessary):
- F. How the property proposed to be vacated is to be divided between abutting landowners (state law usually requires that the property is split equally between abutting landowners):
(Example, split equally between abutting landowners)
- G. The notarized signature(s) of either owners of sixty (60) percent of the land abutting the property proposed to be vacated or sixty (60) percent of the owners of land abutting the property proposed to be vacated are attached (attach signature sheets).
- H. If the petition is for the vacation of property that will be redivided in any manner, a subdivision plan or partitioning plan showing the proposed redivision is attached.
- I. A true and accurate map of the proposed vacation is attached (refer to Instructions for correct marking of the map).
- J. I verify that I have flagged ALL CORNERS of the area proposed to be vacated and that the flags are reliably and accurately located and are easily visible.

- K. Filing fees for \$1983.21 plus \$100 for each additional street or alley (or portion thereof) within or adjoining a block. An additional amount of \$977.28 may be necessary if a hearing is required. If the vacation is granted, you will be responsible for the recording fee.
- L. By signing this form, I acknowledge that I have received no legal advice and acknowledge that County staff cannot provide legal advice to me.

M. Signature and Verification:

STATE OF OREGON)
) ss.
 COUNTY OF COOS)

I am the petitioner(s) herein and hereby swear, under penalties of perjury, that the statements made in this petition, and the attachments hereto, are true to the best of my knowledge. I shall hold harmless and indemnify Coos County from any liability arising out of the County's reliance on information submitted in this petition.

 Petitioner's Signature

 Petitioner's Signature

 Address

 Address

 Telephone

 Telephone

Subscribed and sworn to before me this _____ day of

_____, _____.

 Notary Public for Oregon
 My Commission Expires: _____

SIGNATURE SHEET OF ABUTTING PROPERTY OWNER

1. Name(s) of Abutting Property Owner(s):

2. Legal Description of Abutting Property (attach additional sheets if necessary):

3. Legal Description of Property Proposed for Vacation (attach additional sheets if necessary):

4. How the property proposed to be vacated is to be divided between abutting property owner (state law usually requires that the property is split equally between abutting property owners):

5. I/We understand that this does _____ does not _____ (Mark one) deprive me/us, the abutting property owner(s), of a recorded property right of access necessary for the exercise of that property right.

6. I/We am/are the owner(s) of the above-described property abutting the property proposed to be vacated and consent to the proposed vacation.

Petitioner's Signature

Petitioner's Signature

Address

Address

Telephone

Telephone

STATE OF OREGON)
) ss.
COUNTY OF COOS)

The foregoing instrument was acknowledged before me this _____ day of _____, _____ by _____.

Notary Public for Oregon
Commission Expires: _____