



City of Clatskanie
75 S Nehalem St
PO Box 9
Clatskanie, OR 97016
Phone (503) 728-2622 Fax (503) 728-3297

APPLICATION FOR VACATION

The undersigned property owners(s) request the City Council to vacate the following described _____

Alley Easement Plat Street Other

in the City of Clatskanie, generally located: _____

Pursuant to **ORS 271.080**, the applicant must state "*the purpose for which the ground is proposed to be used and the reason for such vacation.*" (Use a separate sheet of paper, if necessary): _____

ORS 271.080 requires that a petition for vacation must include "*the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby.*" (See Attachment A for an example map of the "affected area".)

The undersigned petitioners respectfully request the City Council to fix a time for hearing of this petition and give notice of the same. Notice will be given by publishing in the Clatskanie Chief the description of the property, date of filing this petition, and the name of at least one petitioner, and date of the hearing. Notices will be posted at each end of the proposed vacation in two (2) places within the area proposed for vacation. The hearing will then be held and the City Council will determine whether to vacate the street, alley, easement or plat described above.

If the City Council initiates the vacation, it is not necessary to obtain these signatures, but this application is still required.

NAME (Print or Type)

SIGNATURE

ADDRESS

NAME (Print or Type)

SIGNATURE

ADDRESS

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

NAME OF CONTACT PERSON

Name (print or type) _____

Current Mailing Address _____

Daytime Telephone Number _____ Fax Number _____

I do hereby certify that the attached list of property owners is accurate as reflected by the latest records of the Columbia County Assessor’s Office, and that the attached list contains the name and signatures of 100 percent of the owners of abutting property, and the owners of 2/3 of the property (by area) within 400 feet beyond the terminus of, and 200 feet laterally of, the right-of-way to be vacated. (For easement vacation, only adjoining property owners’ signatures are required; for plat vacations, only owners of property within the portion of the plat being vacated.)

Date _____ Signature _____

Review: The application goes to the City Council. The City Council generally meets the first Wednesday of each month. If the Council denies a petition for vacation, the applicant may file a Notice of Intent to Appeal with the State Land Use Board of Appeals within 21 days of the City Council’s final decision.

FOR STAFF USE ONLY

Receipt No. _____

Filing Fee _____

Hearing Date _____

Received by _____

Date Application Received _____

Vacation Application Checklist

Before you submit an application to the City, please check this list to verify you are not missing essential information. An incomplete application will delay the approval process.

- Basic Information.** Provide a general location of the site, a legal description of the area to be vacated and the reason(s) for the request.

- Review Criteria Responses.** A vacation request may be approved if the City Council finds that the applicant has shown that all of the following criteria are met. On a separate sheet of paper, prepare a detailed written response using factual statement (called “findings of fact”) to explain how the proposed Vacation complies with each of the following review criterion. Each criterion must have at least one finding of fact and conclusion statement. See Attachment B for an example.
 1. The request vacation is consistent with relevant Comprehensive Plan policies and with any street plan or public facility plan.
 2. The requested vacation will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, public facilities or utilities.
 3. The requested vacation will not have a negative effect on traffic circulation or emergency service protection.
 4. The portion of the right-of-way that is to be vacated will be brought into compliance with Code requirements, such as landscaping, driveway access, and reconstruction of access for fire safety.
 5. The public interest, present and future, will be best served by approval of the proposed vacation.

- Site Map.** Submit a map showing the area around the proposed vacation as well as the area to be vacated. The scale of the map must be large enough that all dimensions and distances can easily be measured for accuracy. The map must include all the items listed below. If any item listed for inclusion on the plan is not provided, please include a written explanation.
 - Existing address (if any) of adjacent property, or section, township, range, and/or lot and block number sufficient to define the location of the site.

 - Date plan was drafted and north arrow

 - Scale of plan. (Use a standard engineering scale, such as 1 inch = 60 feet, or 1 inch = 100 feet unless otherwise approved by Planning staff. Map must be clearly readable and measurable land fully dimensioned.

 - Label and show the length of all existing property lines adjacent to the site.

- Label and show the location of all existing and proposed driveways or access points to adjacent properties. What is the construction of the driveway?
- Label and show the locations of all existing and proposed structure, water and sewer lines and distances between them and the existing property lines and each other.
- Label and show the locations and sizes of all existing public sewer mains, storm drainage facilities, water mains, culverts, ditches, drain pipes, electric, gas and telephone conduits, including those on site, on adjacent property, and within adjacent rights-of-way.
- Label and show the locations, widths, and names of all existing or platted nearby public streets, alleys, sidewalk, curbs, and other public rights-of-way or uses.
- Label and show the locations, widths, ownership, and purpose of all existing and proposed easements on the site and on adjacent properties.
- Zone designations, property boundaries, land uses, and building locations of adjacent properties.
- **Affected Property Owner List.** Submit one copy of a list of the names, addresses, and County Tax Assessor's map and tax lot identification of all properties within the affected property boundary. This list must be signed and dated by the preparer; the source of the data should also be indicated. If less than 100 percent of the affected property owner's signatures are submitted include the area of all affected properties and the area of the properties whose owners have signed the petition.
- **Affected Property Map.** Submit one map (usually a County Tax Assessor's map) that identifies the affected properties as defined in ORS 271.080. See Attachment A for an example.
- **Applicant/Property Owner Information.** List all persons that are to be considered applicants for this proposal and others to be notified, such as agents and engineers. All applicants must sign the form.
- **Properties to Which the Vacated Area will be transferred.** List the properties (and their owners) that the vacated area will revert to. Include an explanation of how this information was obtained.
- **Review.** Application For Vacation must include completed application, application fee and any other information that may be required by the City.

List of Affected Properties

ORS 271.080 sets the boundaries of the “affected” area, and describes it as “the land lying on either side of the street or portion 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 for 400 feet along its course beyond each terminus of the part proposed to be vacated.”

After you have identified which properties are within the boundaries as specified by ORS 271.080, write down the County Tax Assessor’s map and tax lot number associated with each, and obtain the name(s) of the current owners of record from the County Tax Assessor’s office. After the list is prepared (typed or clearly printed), indicate who prepared the list, on what date, and the source of the data. (Use another sheet, if necessary).

EXAMPLE: 7408-032-02900 [tax lot number of properties]
John A. Public
2952 SE 49th Street
Clatskanie, OR 97016

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
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_____	_____

This list was prepared by _____ on _____, 2005.
[Signature]

[Print Name]

The source of the data was obtained by _____

Attachment B – Example of Findings of Fact

Criteria for findings of Fact.

A Vacation will be approved only if the City Council finds the application conforms to ORS 271.080. Before the City Council can approve an application, the applicant must submit information that adequately supports the application. If the applicant submits insufficient or unclear information the application may be denied or delayed.

Format for Findings of Fact:

Statements addressing individual criteria must be in a “finding of fact” format. A finding of fact consists of two parts:

1. Factual information such as the distance between buildings, the width and type of streets, the particular characteristics of an existing use, etc. Facts should reference their sources: on-site inspection, a plot plan, City plan, etc.
2. An explanation of how those facts result in a conclusion supporting the criterion.

EXAMPLE:

Criterion: The requested vacation will not have a negative effect on access between public rights-of-ways or to existing properties, potential lots, public facilities or utilities.

Fact: State fact(s) relating to the question. “This section of Dogwood Lane rights-of-way has never been improved to carry vehicular traffic. All adjacent properties have access to other public streets and do not need access to this portion of Dogwood Lane rights-of-way.”