

# APPLICATION FOR PETITION TO VACATE RIGHT-OF-WAY

Community Development  
110 E. Main St., P.O. Box 445  
Talent, OR 97540  
(541) 535-7401  
Fax (541) 535-7423



**APPLICATION FEES:** Preparation and Recording Fee [\$1,106]

## APPLICANT INFORMATION

Petitioner Name: \_\_\_\_\_ Date: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Phone 1: \_\_\_\_\_  
 \_\_\_\_\_ Phone 2: \_\_\_\_\_

## PROJECT INFORMATION

Location of Proposed Vacation: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Assessor Map(s) and Abutting Tax Lot Information: T\_\_\_\_S, R\_\_\_\_E, Section\_\_\_\_\_, Tax Lot(s)\_\_\_\_\_

Attach legal description of vacation area *(Must be prepared by a professional Land Surveyor licensed in the State of Oregon)*

Existing Public Improvements: *(Check all that apply. If no existing improvements, then write none.)*

\_\_\_\_\_ Street      \_\_\_\_\_ Sidewalk      \_\_\_\_\_ Sewer      \_\_\_\_\_ Stormwater Drainage  
 \_\_\_\_\_ Curb      \_\_\_\_\_ Paths      \_\_\_\_\_ Water      \_\_\_\_\_ Utilities

Describe reason for request: \_\_\_\_\_  
 \_\_\_\_\_

Describe any encroachments (buildings & fences) and significant site features (topography, rocks, trees, other): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**CERTIFICATION:** By signing, I certify that I have examined the completed application for petition to vacate right-of-ways and the information on this application is true and correct. I further certify that I have been provided with and have carefully read the City of Talent's guidelines for **PETITIONS TO VACATE PUBLIC RIGHTS-OF-WAY. I UNDERSTAND THAT THERE IS NO GUARANTEE OF VACATION.** The vacation petition will be processed in accordance with the City of Talent Zoning Code Ordinance and State Law.

**NAME (PRINT OR TYPE)**

**SIGNATURE**

**DATE**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**COMMUNITY DEVELOPMENT USE ONLY**

File No.: \_\_\_\_\_ Application Submitted: \_\_\_\_\_  
 Preparation Fee Paid: \_\_\_\_\_ Petition to Vacate Rec: \_\_\_\_\_  
 Receipt No.: \_\_\_\_\_ Application Complete: \_\_\_\_\_

# APPLICATION FOR RIGHT-OF-WAY VACATION – INSTRUCTION AND PROCESS

City of Talent – Community Development Department / Planning Division

The following instructions and process are for “**right-of-way vacation**” applications. [per Oregon Revised Statutes, Chapter 271]

## **INSTRUCTIONS**

### **[STEP 1 – SUBMITTAL OF APPLICATION]**

- 1. The **APPLICATION FOR LAND USE REVIEW** must be filled out completely, with an “X” in application box next to  Public Right-of-Way Vacation. The applicant may be any property owner(s) adjacent to the right-of-way to be vacated or an authorized agent of a property owner(s). **The application submittal shall include the following:**
  - A. A **Map** highlighting the portion(s) of public right-of-way that are proposed to be vacated. The map must provide sufficient detail to identify the exact location, width and length of the area to be vacated.
  - B. A written **Legal Description** of the right-of-way to be vacated, prepared by a licensed surveyor, may be required. This requirement is dependent on the complexity of the right-of-way boundary. In most cases the Map discussed above is sufficient.
- 2. An **APPLICATION FEE OF \$1,106** shall accompany the application. This fee covers the costs for the City to prepare a “Petition to Vacate” for the applicant, which includes providing a list of registered property owners and a spreadsheet for tracking the consents required for a valid Application.

**The Application Fee is non-refundable.**

### **[STEP 2 – SIGNATURE GATHERING FOR PETITION]**

- 1. Under Step 1, Subsection 2 above, the City will provide the Applicant with a “Petition to Vacate”. This Petition includes a list of affected property owners. State Law requires the following property owners to sign the Petition, giving their consent and support for the proposed vacation:
  - A. **Abutting Owners (100%):** Every property owner that owns property directly adjacent, on each side, to the public right-of-way to be vacated must sign the Petition to Vacate.
  - B. **Affected Owners (2/3 or 66.6%):** Two-thirds (2/3) of the remaining property owners within the “affected area” must sign the Petition to Vacate. This 2/3 is based on land area, not the number of actual owners.  
*Definition: “Affected Area” – an area measuring 400 feet off each end and 200 feet off each side of the area to be vacated. Typically, this would provide an 800+ foot long by 400+ foot wide area. A map showing this boundary will be provided by the City under Step 1, Subsection 2 above.*
- 2. (OPTIONAL) – The City will provide a spreadsheet (prepared in MS Excel) that lists all of the property owners and their land area(s) that lie within the “Affected Area”. This spreadsheet can be used to keep track of the number of consents received and the progress towards achieving the required 2/3 consents. The spreadsheet can be provided electronically, via email, upon request.

### **[STEP 3 – SUBMITTAL OF APPLICATION FOR PETITION TO VACATE RIGHT-OF-WAY]**

- 1. The **APPLICATION FOR PETITION TO VACATE RIGHT-OF-WAY** must be filled out completely and signed by the applicant. The Application shall be accompanied by the following:
  - A. A **Petition to Vacate**, prepared by the City under Step 1, Subsection 2 above.
  - B. Sufficient property owner signatures of **Consent to Vacate**, as discussed in Step 2 above.

## **PROCESS**

### **[STEP 4]**

Upon completion of Step 3, the Application for Petition to Vacate Right-of-Way is processed as follows. **The applicant can anticipate the following process taking a minimum of three (3) months.**

- 1. **City Council Acceptance.** The application is first presented to the City Council for acceptance. If the City Council feels that the request has merit, it may accept the application by Resolution, forwarding the request to the Planning Commission for review and recommendation. *[Month 1]*
- 2. **City Council Review and Decision.** Upon receipt of the Planning Commission recommendation, the City Council shall conduct two (2) public hearings to consider an Ordinance (this requires a first and second reading of the Ordinance) declaring the requested right-of-way to be vacated. *[Months 2; with a 30 day appeal clause for the Ordinance, extending to Month 3]*

### **[STEP 5 – FINALIZE ORDINANCE]**

Finalize Ordinance. Once the City Council has approved the Petition to Vacate, the Ordinance vacating the public right-of-way will be recorded in the deed records with the Jackson County Clerk and a copy provided to the Jackson County Assessor's office for updating the tax maps to show the right-of-way vacation.

## EXAMPLE VACATION PETITION

(DATE)  
City Recorder  
City of Talent  
110 E. Main St.  
Talent, OR 97540

Re: Private Petition for Vacation of Public Right-of-Way  
(Short description)

I(we) request that the Council of the City of Talent enact an ordinance vacating a portion of (description of the proposed area of vacation) in the City of Talent, Jackson County, Oregon. This petition is filed pursuant to the authority of *Oregon Revised Statute 271* .

I(we) have attached the Private Petition for the Vacation of Public Right-Of-Way form and filing fee to initiate processing the vacation request. Also attached please find:

- Attachment 1: A metes and bounds legal description of the property to be vacated.
- Attachment 2: A Tax Map showing the required information.
- Attachment 3: A Title Report verifying ownership of all of the properties abutting the area proposed to be vacated; prepared by (name of Title Company) and including a list of all of the abutting property owners and property owners within the "Affected Area".
- Attachment 4: The signed consent of all of the abutting property owners.
- Attachment 5: The signed consent of at least 2/3 of the owners of the properties within the "affected area".

(Petitioners' name) plans to (description of the proposed use of the area to be vacated).

The vacation is needed to (provide an explanation of the reasons behind the vacation request. EXAMPLE: " A development plan for the proposed (type of project) will require the additional right-of-way for (reasons); (A) Vacation would eliminate the public's duty and liability to maintain this street that services only the abutting property owners. This portion of (name of street/alley) cannot be accessed from any other street; (B) Vacation leads to feasibility and development of the subject property, upgrading the area and adding to the tax base for increased revenue, etc.")

Please contact me at (phone number and email address) with notifications, questions, and the dates of the City Council meetings.

Sincerely,

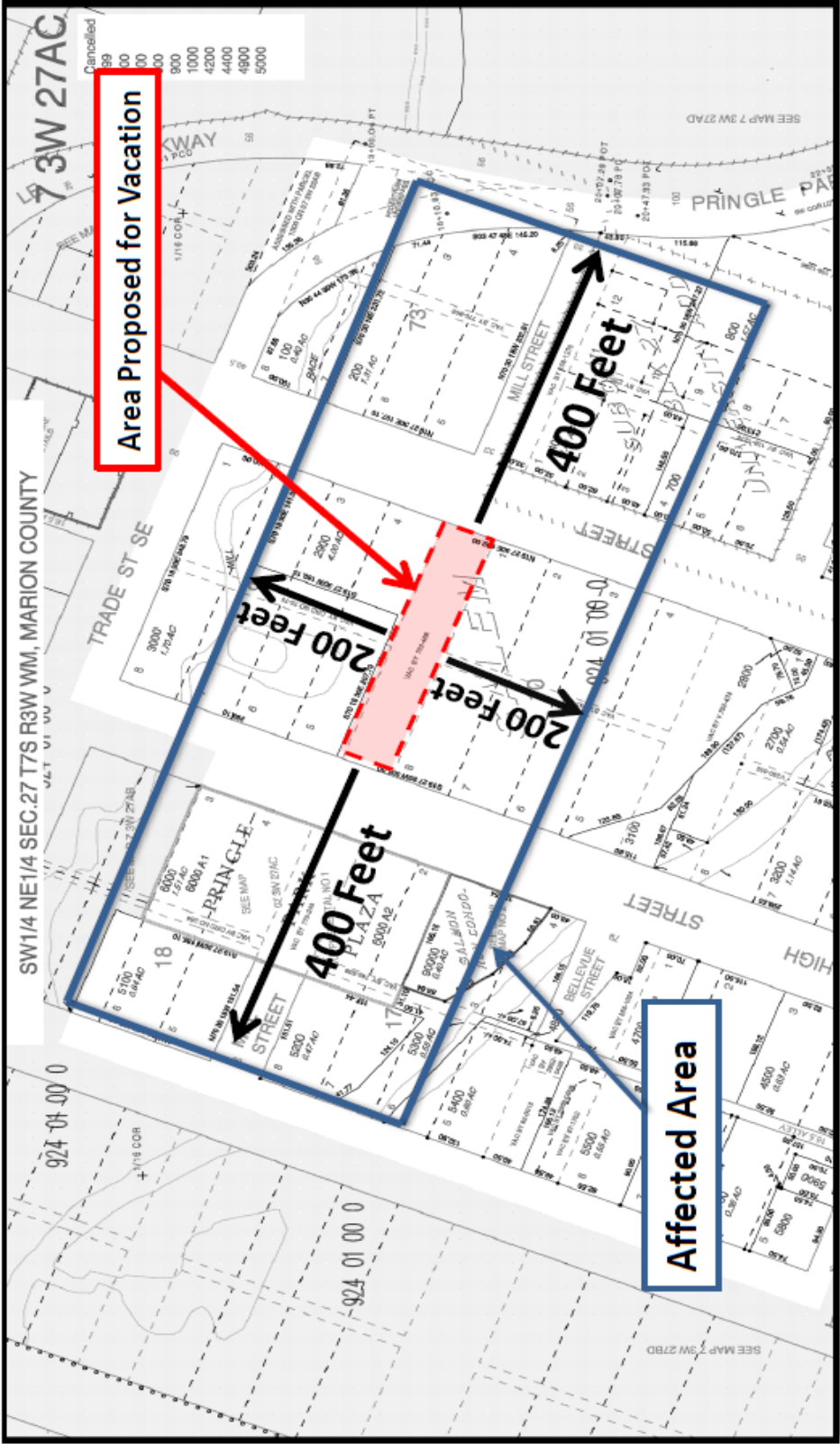
(Name[s] and signature[s] of all of the petitioners)  
Petitioner

## **ATTACHMENT 1**

### **METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY PROPOSED FOR VACATION**

*(Place your legal description for the property proposed for vacation here.)*

**ATTACHMENT 2  
EXAMPLE TAX MAP**



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.

**ATTACHMENT 3**  
**VERIFICATION OF OWNERSHIP**

Street Vacation on property located in Talent, Oregon, and more particularly described in Attachment.

(Name of title company) DOES CERTIFY AS FOLLOWS:

That (name of title company) is an incorporated title insurance agent, organized and existing under and by virtue of the laws of the State of Oregon. Exhibit 2-Tax Map showing the affected area was prepared by (name of title company) and accurately and clearly shows the area proposed for vacation and the affected area.

The attached list is a complete list of names and addresses of parties holding interest in the property in the affected area as evidenced by the tax and assessment roll, and said list is amended to include the names of the last grantees of record as evidenced by the deed records for Jackson County, and said addresses are within the City of Talent, Jackson County, Oregon.

This certificate is made for the purpose herein specified and liability hereunder is expressly limited to the sum paid therefor.

DATED: \_\_\_\_\_

(NAME OF TITLE COMPANY)

BY \_\_\_\_\_

(NAME AND TITLE)







