



## VACATION APPLICATION – Type IV

- Vacation of Public Right-of-Way
- Vacation of Subdivision Plat

### 1. APPLICANT INFORMATION (If a corporation, list all principals)

Name \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Email \_\_\_\_\_

Telephone (Primary) \_\_\_\_\_ (Secondary) \_\_\_\_\_

### 2. AGENT INFORMATION (Owner's consent required)

Name \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Email \_\_\_\_\_

Telephone (Primary) \_\_\_\_\_ (Secondary) \_\_\_\_\_

### 3. OWNER/CONTRACT PURCHASER OF RECORD

Name \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Email \_\_\_\_\_

Telephone (Primary) \_\_\_\_\_ (Secondary) \_\_\_\_\_



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6. I HEREBY STATE THAT THE FACTS RELATED IN THE ABOVE APPLICATION AND THE PLANS AND DOCUMENTS SUBMITTED HERewith ARE COMPLETE, TRUE, CORRECT, AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Applicant     Agent     Owner

If any wetlands exist on the site, it is the applicant's responsibility to apply for a permit to the Division of State Lands and Army Corps of Engineers before any site work begins.

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### **WHAT ARE VACATIONS?**

Vacations of public right-of-ways are a means of returning unneeded public streets and alleys to adjacent private property owners. Plat vacations and public utility easement (PUE) vacations are a means of removing unnecessary easements or plat designations from a parcel of land.

There are two ways a vacation can be initiated: 1) by citizen petition (applicant submitted consents), or 2) by the City Council. If the vacation is to be initiated by City Council, the applicant writes a letter to the City Council requesting the initiation. After initiating the vacation, the request goes to the Planning Commission for review and recommendation. The City Council then takes the final action, either approving or denying the vacation request. If the vacation is initiated by petition, the request goes directly to the Planning Commission for review and recommendation, and then to City Council for final action.

In both cases, an application with the required submittals and an application fee must accompany the request.

### **VACATION APPLICATION, SECTION 10.228(B)**

A request to vacate a public street, alley, easement, plat, or public place shall, in addition to the requirements contained herein, be subject to ORS Chapter 271

### **APPROVAL CRITERIA, SECTION 10.228(D)**

A request to vacate shall only be approved by City Council when the following criteria have been met:

- (1) Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.
- (2) If initiated by petition under ORS 271.080, the findings required by ORS 271.120.
- (3) If initiated by the Council, the applicable criteria found in ORS 271.130.

### **FINDINGS OF FACT, SECTION 10.228(E) (6)**

For the City Council to approve a vacation, they must find that certain requirements and criteria are met. It is the responsibility of the applicant to provide the Council with a statement of facts that will lead them to conclude that these requirements and criteria are met. Such a statement is called the Findings of Fact. In order to approve a vacation, the City Council must determine the following:

1. *That the vacation complies with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.*

Copies of the Comprehensive Plan's Goals and Policies are available in the Planning Department. The applicant should review the goals and policies and comment on all that apply to the vacation. As a part of this analysis, the applicant must determine if the area to be vacated is a necessary part of the

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arterial street plan or an adopted neighborhood circulation plan, or if it will reduce the existing right-of-way to a width that is unusable.

*~ and either item 2 or item 3 below ~*

2. *If initiated by petition under ORS 271.080 per ORS 271.120, the City Council must determine the following:*
  - a. *For a plat vacation or part thereof: that two-thirds of the affected property owners consent in writing. Affected property owners are all owners of property embraced within the plat or part thereof.*

*For a street or alley vacation: that 100 percent of the abutting property owners and two-thirds of the affected property owners consent in writing. Affected property owners are owners of all land lying on either side of the street or alley proposed to be vacated and extending laterally to the next street that serves as a parallel street, but not to exceed 200 feet, and all property within 400 feet of the terminus of the part of the street or alley to be vacated.*

It is the applicant's responsibility to obtain and submit all necessary consents. The consent forms are available from the Planning Department, and they must be notarized.

- b. *That the required notice has been given.*

The Planning Department will make sure that the required notice is sent in a timely manner. It is the applicant's responsibility to supply the Planning Department with a list of the affected and abutting property owners, and a typed mailing label for each. It is important to be very thorough in supplying the list, as the appeal period is unlimited for anyone who can prove that they were entitled to receive notice and did not.

3. *If initiated by the City Council under ORS 271.130, the City Council must determine the following:*
  - a. *That more than 50 percent of the affected property owners do not object in writing; and,*
  - b. *That the vacation will not substantially affect the property value of any abutting property, or, if the vacation will substantially affect the market value of any abutting property where the owner objects, the City will provide for paying damages.*

In this case, it is, again, the responsibility of the applicant to supply a list of affected property owners (see 2a above) and mailing labels for each. The Planning Department will mail the notices in a timely manner. It is also suggested that the applicant include a statement with the findings of fact indicating how the vacation will benefit the public, if it was not already stated in the letter to the City Council requesting initiation of the vacation.

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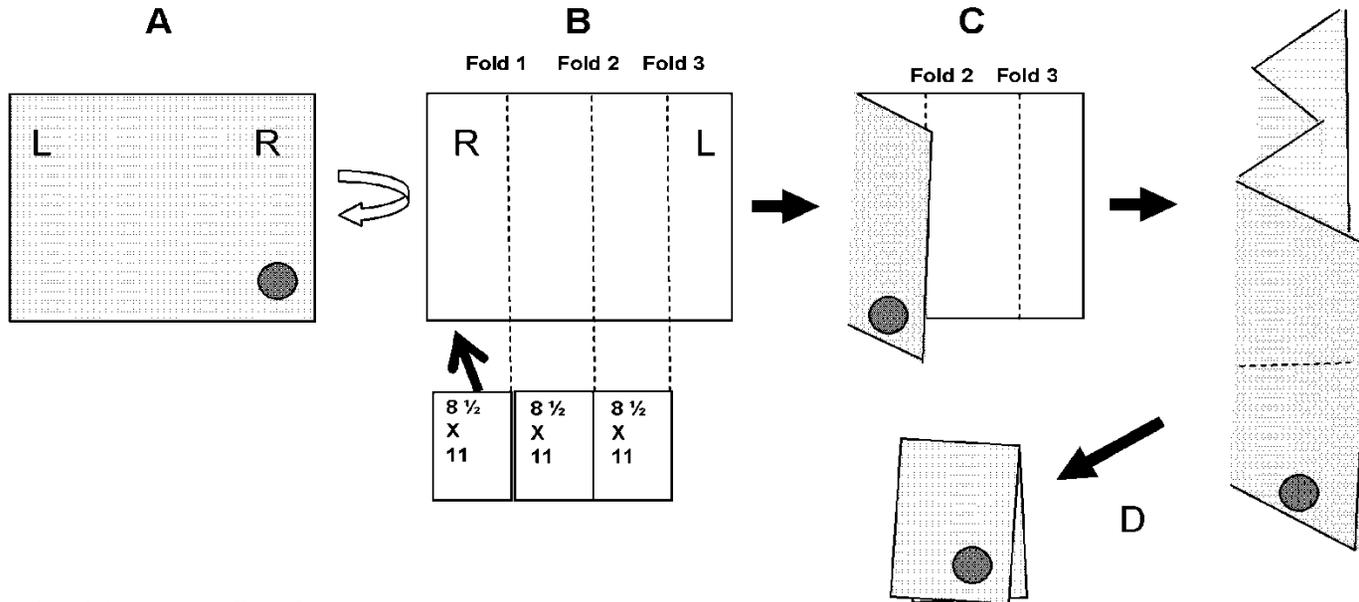
**WRITTEN CONSENT OF OWNER**

I, \_\_\_\_\_, the property owner of Tax Lot \_\_\_\_\_ on Jackson County Assessor Map \_\_\_\_\_, hereby consent to the filing of an application for \_\_\_\_\_ on said property, and will allow \_\_\_\_\_ to represent me before the City of Medford Approving Authority. I also give permission to City of Medford staff to post a public notice of this proposed land use action on the tax lot noted above.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

**PLAN FOLDING INSTRUCTIONS**



- A. Lie map flat facing up.
- B. Flip the map over (the top right corner is now the top left corner). Using the width of an 8 ½ x 11 piece of paper as a guide, start with the left side of the map and fold the map over as wide as the guide (8 ½ inches).
- C. Repeat folding, no wider than the first fold (8 ½ inches), and continue in an accordion style until you no longer have any folds left to make.
- D. Fold the accordion map in half by folding the top edge behind the bottom edge so that the lower right corner of the map ends up on top.