



VACATION APPLICATION 2019

For Office Use Only:

Total Application Fee _____ Project Cost: _____
Balance due: _____ Date Paid: _____

File #: _____

APPLICANT INFORMATION:

APPLICANT: _____
ADDRESS: _____
EMAIL ADDRESS: _____
PHONE: _____ MOBILE: _____ FAX: _____
OWNER (if different from above): _____ PHONE: _____
ADDRESS: _____

GENERAL INFORMATION:

VACATION TYPE: _____ ALLEY: _____ EASEMENT: _____ STREET: _____
ALLEY/EASEMENT/RIGHT-OF-WAY/LOCATION: _____ ZONE: _____
IS THE PROPOSED VACATION SITE CURRENTLY IN USE? IF YES, INDICATE CURRENT USE: _____
SURROUNDING USES:
NORTH: _____ SOUTH: _____
EAST: _____ WEST: _____
STATE WHY THE VACATION SHOULD BE APPROVED: _____

IDENTIFY THE TAX LOT NUMBERS OF THOSE LOTS WHICH ABUT THE PROPOSED VACATION SITE:

Tax Lot Number

Tax Lot Number

Tax Lot Number

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

General Checklist: ♦ Fees ♦ Current Title Report ♦ Vicinity Map ♦ Property Owner's Signature

The application must include a current title report for each parcel adjacent to the area proposed for vacation, and a vicinity map of the area. Property owners abutting the proposed vacation site must sign the CONSENT TO VACATE form, which is on the reverse side of this application. The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Sisters. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

Applicant / Title Holder/ Contract Purchaser Signature

Date

Print Name

Attachments: Consent to Vacate Form, General Information, Criteria, Noticing Procedures, Fee Schedule, Checklist

CONSENT TO VACATE FORM

PRINTED OWNER NAME	OWNER SIGNATURE	ADDRESS	TAX LOT

GENERAL INFORMATION

Process for Vacations

Overview: According to Oregon Revised Statutes, vacation of a public easement, right-of-way, or other public place must be approved by the City Council. Application for vacation may be made to the City Council by a property owner or neighborhood group. Generally, a vacation can be processed within eight to twelve weeks.

Submit Application

- Pay fees
- Complete application form(s)
- Owners abutting the proposed vacation site must sign the application or submit letters of consent.
- Submit sample notice and other required information.

Processing

- Staff will perform a completeness check of the application and notify applicant of any information that is missing or incomplete. Processing time 0 to 30 days.
- Staff will route the application to all City departments and utility agencies for their review. **Processing time: 14 days**
- The City Council will set a hearing date for a future City Council Hearing on the matter. Once the hearing date is set, the City will advertise the public hearing date in the Nugget News for two (2) weeks prior to the scheduled Council hearing on this matter. **Processing Time: 14 to 20 days**
- Applicant will mail an approved notice to property owner within 100 feet of the site, post the site in conspicuous places and return an affidavit verifying that notice was mailed and posted at least **14 to 20 days** prior to the scheduled public hearing.
- Staff will prepare a written report for review by the City Council. A copy will be available for review seven **(7) days prior to the hearing**. A copy will be mailed to the applicant seven (7) days prior to the hearing.
- A public hearing will be held by the City Council. At the hearing, the applicant and all interested parties are encouraged to testify. Testimony may be given orally or in writing. After public testimony, the City Council may approve, deny, table, or continue the item.
- If approved, the County Clerk's office will be notified of the Council action. Title to the vacated property will be divided among the abutting property owners.

Helpful Hints:

Questions? Information is free! Please do not hesitate to call the Planning Division at (541) 549-6022 prior to submitting the application.

Partial Applications: Please do not submit partial applications. If the application, title reports, plans and fees are not submitted together; processing will be delayed and the application may not be accepted for review. Please review the detailed checklist to ensure you have everything. The more work you can do before submittal, the faster the application can be processed.

Face-to-Face: It is best to submit an application in person. That way you can receive immediate feedback if there is missing information or suggestions for improvements.

VACATION APPLICATION CRITERIA

ORS 271.130

1. Notice shall be given as provided by ORS 271.110. Notice will be published in the Nugget News for two consecutive weeks prior to City Council hearing on this matter.
2. Obtain consent from the owners of all abutting property and at least 2/3 majority consent of owners in the affected area
 - a. The real property affected thereby shall be deemed to be 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 of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated.
 - b. 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 also be counted.
 - c. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply.
3. Where owner consent has not been provided, the vacation will not significantly affect the value of the abutting properties, unless the City provides for paying damages.
4. Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

If you are requesting a vacation, please provide a written response to each of the criteria listed above. Approval cannot be granted unless the above criteria have been satisfied. The burden of proof, or demonstration of compliance with the criteria, is the responsibility of the applicant and not the City. The following questions and comments are intended to assist you in responding to the criteria.

1. What is the proposed use for the site?
2. Identify the specific public need to vacate this right-of-way.
3. What impacts will this vacation have upon public services such as police and fire protection, sewer, water, electrical utilities and access thereto?
4. Identify specific impacts this vacation will have on abutting property owners.