



CITY OF PHILOMATH APPLICATION FOR PETITION TO VACATE RIGHT-OF-WAY

APPLICATION FEES: \$485 (\$85 preparation fee followed by \$400 processing fee)

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 Philomath'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 Philomath Municipal Code and State Law.

I further certify that the information on this application is correct and that I am an abutting property owner or an abutting property owner has authorized me to pursue this application on his/her behalf (such documentation is attached).

NAME (PRINT OR TYPE)

SIGNATURE

DATE

OFFICIAL USE ONLY:
Application Submitted: _____
Fee Paid: _____
Receipt No.: _____

Procedure for Vacating a Public Right-of-Way

1. Property owner requests vacation petition packet from City Recorder and pays \$85.00 packet set-up fee. The City Recorder will prepare the abutting and affected property owner lists for the petition packet, including calculation of 2/3 of the additional affected area.
2. Applicant schedules a meeting with the Public Works Director to insure there are no direct conflicts that would prohibit the vacation, i.e. water or sewer mains located in the property proposed to be vacated.
3. Applicant obtains information required, per ORS 271 and City policy:
 - a. Notarized signatures consenting to the vacation by all abutting property owners.
 - b. Notarized signatures consenting to the vacation by property owners of at least 2/3 of the additional affected area. The additional affected area is defined as 200 feet laterally of the proposed vacated area, and 200 feet laterally extending 400 feet from each terminus.
 - c. A legal description of the property to be vacated, acquired through the County Assessor's office or prepared by a certified surveyor.
4. Applicant submits all required information, along together with the remaining fee of \$400.00.
5. If the application (petition) is complete, the City Recorder shall forward the request to the City Council to determine if a formal hearing shall be held.
6. If the City Council fixes a time and place for a public hearing, then the City Recorder shall publish a notice once per week for two consecutive weeks prior to the hearing.
7. Within 5 days of the first publication, the City Recorder shall cause to be posted a sign at or near each end of the proposed vacation.
8. The City Council will decide whether to grant the vacation request; they may grant the petition in part and deny it in part, and/or make reservations, as in the public interest. The council will pass an ordinance if approving the vacation request.
9. After elapse of the 30-day waiting period for the ordinance effective date, the City Recorder shall file a certified copy of the ordinance with the County Clerk, the County Assessor and the County Surveyor.