



RIGHT OF WAY VACATION PROCESS & CHECKLIST

The Right of Way Vacation application consists of the following. The entire process takes approximately 90 days.

- The Applicant must have a pre-application meeting with the Public Works Operations Administrator or his designee to review the **completed** application to verify consistency with CBMC 12.45.030, ORS 271.080 – 271.230, and routing the proposed right of way vacation request to utility companies and any state, local, or federal jurisdiction for review, comment and requests for information and requirements.
- Upon submittal of a complete application, the request will be presented to City Council for their determination of merit, to determine if they will initiate the proceeding on behalf of the Applicant, and to set a hearing date.
- A Notice of Hearing before City Council will be published in the local newspaper and sent to the Applicant and Applicable Agencies.
- Notice will be posted at Coos Bay City Hall, Coos Bay Public Library, and proposed vacation site by City Staff.
- Parties will have 30 days from application submission to object to the vacation.
- The public hearing will be held before City Council at a regularly scheduled meeting (held on the 1st and 3rd Tuesday of each month).
- A Notice of decision will be sent to the Applicant and any agency/party that participated in the process after City Council has made their decision.
- If the proposed vacation is approved, a certified copy of the adopted/enacted ordinance will be recorded by the City Recorder with the Coos County clerk.
- The ordinance will become effective 30 days after enactment.

Complete Right of Way Vacation Application

- A written summary of the purpose and justification for the vacation.
- A map of the ground proposed to be vacated, and if applicable, a plat showing the proposed manner of re-platting or rededication. (Map can be provided by the City)
- A notarized statement of the Applicant that owners of the “real property affected thereby” as defined below have been notified of the pending request before the City. Attached to this statement shall be a copy of the notice provided and a list of the property owners notified, which includes their name(s), mailing address, situs address, and map and tax lot number of the real property affected. ORS 271.080 defines real property affected thereby as “land lying on either side of the street or portion of land 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. 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.” (See attached sample)

A list of property owners in the notice area may be obtained through the Coos County Assessor’s Office (or their web site) or a title company.
- Written consent of abutting property owners and two-thirds of the property owners affected thereby (if required). (See attached samples)
- A legal description for each affected property (if required).
- A metes and bounds survey of the area to be vacated (if required).
- A base fee of \$954, plus a 5% technology, paid to the City of Coos Bay to be held by the City Recorder for the cost of publication, posting, and other anticipated expenses. Additional fees may be required based on right of way impacts.



CITY OF COOS BAY
 Public Works & Community Development Department
 500 Central Avenue, Coos Bay, Oregon 97420
 Phone 541-269-8918 Fax 541-269-8916

Permit No. _____-PW

Date Received: _____

RIGHT OF WAY VACATION APPLICATION

Applicant/Owner Name:
(please print)

Phone:

Address:

Email:

City State ZIP:

Proposed Vacation Area/Address: _____

Purpose Statement:

The purpose for which the RIGHT OF WAY vacation is proposed:

Application Requirements:

1. Preapplication meeting

An in-person pre-application meeting is required to submit a right of way vacation application. A base fee of \$954, plus a 5% technology fee, and the information in section 2 of this form is required. Additional fees may be required based on RIGHT OF WAY impacts. You will meet with the Public Works Operations Administrator or his designee to review the application for completeness. Only complete applications will be accepted.

2. Submittal requirements with the Right of Way Vacation Application

- a) A written summary of the purpose and justification for the vacation.
- b) A map of the ground proposed to be vacated, and if applicable, a plat showing the proposed manner of re-platting or rededication. (Map can be provided by the City)
- c) A notarized statement of the Applicant that owners of the "real property affected thereby," as defined below, have been notified of the pending request before the City. Attached to this statement shall be a copy of the notice provided and a list of the property owners notified, which includes their name(s), mailing address, situs address, and map and tax lot number of the real property affected. ORS 271.080 defines real property affected thereby as "land lying on either side of the street or portion of land 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. 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." (See attached sample)
- d) Written consent of abutting property owners and two-thirds of the property owners affected thereby (if required). (See attached samples)
- e) A legal description for each affected property (if required).
- f) A metes and bounds survey of the area to be vacated (if required, the cost will be at the Applicant's expense).

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Coos Bay Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

The undersigned acknowledges and agrees that submittal of this application does not constitute approval of the request and further understands the application is subject to review and approval under CBMC Chapter 12.45.

Applicant's signature

Date

Owner's signature **(required)**

Date

NOTARIZED STATEMENT

I, _____, being first duly sworn say:

On _____, 20____, I caused to be delivered to those individuals listed on Exhibit A as the abutting property owners and/or affected property owners as defined in ORS 271.080 (2), notice of my Right of Way Vacation application for the property described as:

(Include address legal description or attach as exhibit A)

I further swear, depose and say, that I have obtained written consent of all abutting property owners, and consent of not less than two-thirds of the property owners affected thereby.

Signature

STATE OF OREGON)
)
COUNTY OF COOS)

Signed and sworn to (or affirmed) before me on _____, 20____, by _____.

Notary Public – State of Oregon

ABUTTING PROPERTY OWNER CONSENT FOR VACATION

I/We _____, _____ consent to the vacation of the property
described as: Property Owner Name Property Owner Name

(Include address legal description or attach as exhibit A)

I/we understand that my/our consent is to be appended to and made part of a petition/application presented for the vacation of the above described area.

I am/we are owner(s) of the property described as _____.
Address, Map and Tax Lot Number

Signature and Date

Print Name

Signature and Date

Print Name

AFFECTED PROPERTY OWNER CONSENT FOR VACATION

I/We _____, _____ consent to the vacation of the property
described as: Property Owner Name _____ Property Owner Name _____

(Include address legal description or attach as exhibit A)

I/we understand that my/our consent is to be appended to and made part of a petition/application presented for the vacation of the above described area.

I am/we are owner(s) of the property described as _____.
Address, Map and Tax Lot Number

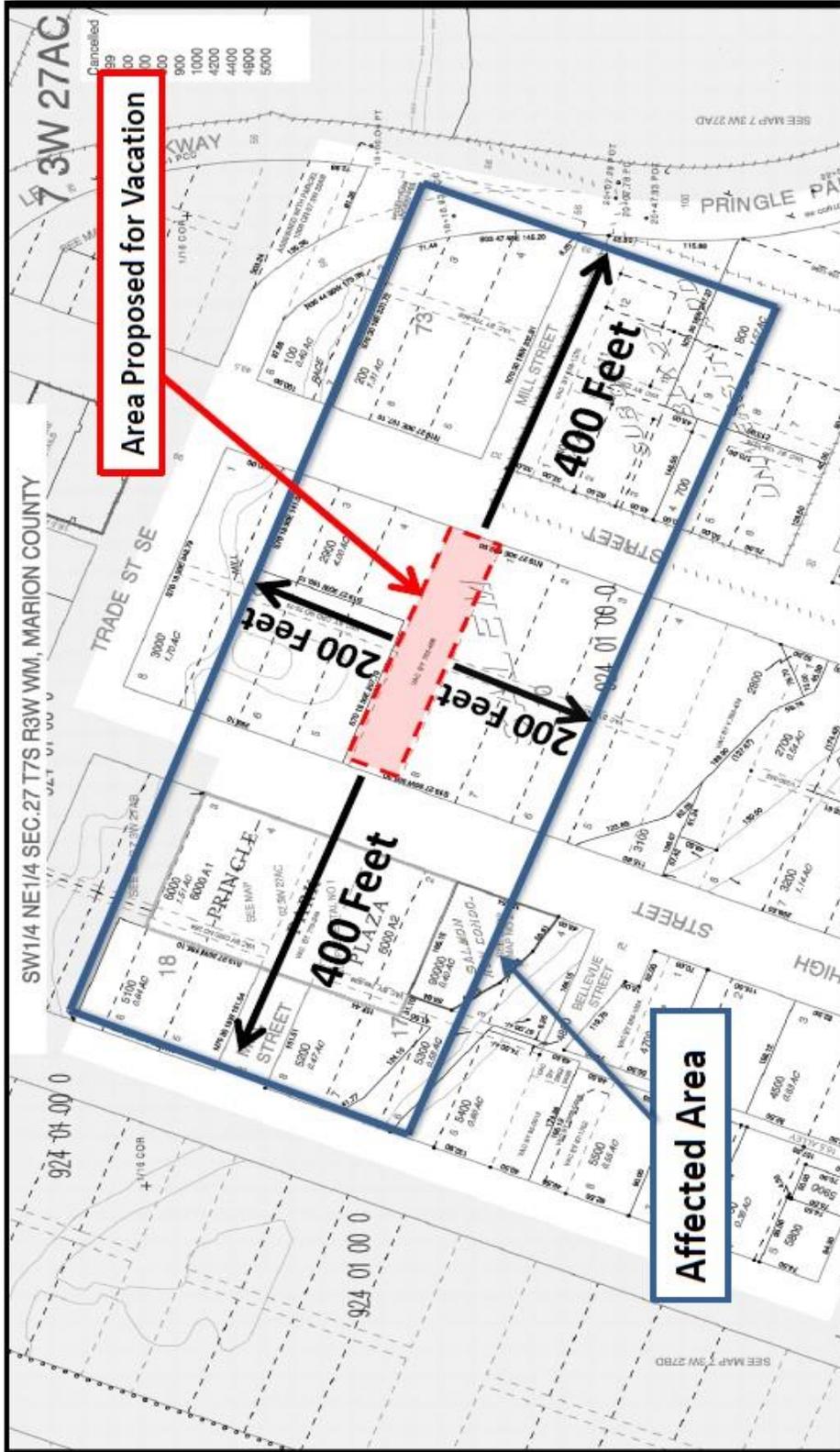
Signature and Date

Print Name

Signature and Date

Print Name

SAMPLE 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.