

**CITY OF TILLAMOOK**  
**R.O.W. VACATION APPLICATION BEFORE THE CITY COUNCIL**

\_\_\_\_\_ Application Deadline

**PLEASE NOTE: Failure for you to provide ALL required material by this date will result in the cancellation of hearing.**

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**For Internal Use Only:**

Date Received: \_\_\_\_\_ Hearing Date and Time: \_\_\_\_\_

Reference No: \_\_\_\_\_ Fees: Request: \_\_\_\_\_

Paper Notice (to be billed): \_\_\_\_\_

Receipt No: \_\_\_\_\_

Attachments Received: \_\_\_\_\_ Address List \_\_\_\_\_ Affidavit of Mailing

\_\_\_\_\_ Site Plan \_\_\_\_\_ Affidavit of Posting

Reviewed by: \_\_\_\_\_

\*\*\*\*\*

**APPLICANT:** Please complete the remainder of this application

Applicant: Name (s):

\_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Home: \_\_\_\_\_

Location Info: Street proposed to be vacated: \_\_\_\_\_

Adjacent to:

Tax Lot: \_\_\_\_\_ Section: \_\_\_\_\_ Township **1S** Range:

\_\_\_\_\_

Situs Address: \_\_\_\_\_

Specifications of Request: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**As the applicant(s) of the property described, I/we realize that this application rests upon the above answers and accompanying data, and do hereby affirm and certify under penalty of perjury that the foregoing statements and answers are in all respects true and correct to the best of my/our knowledge.**

APPLICANT(S):

_____ Applicant Name Printed	_____ Signature	_____ Date
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_____ Applicant Name Printed	_____ Signature	_____ Date
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**IF THE APPLICANT LISTED ON THE APPLICATION IS OTHER THAN THE SOLE DEED HOLDER OF THE PROPERTY OR PROPERTIES DESCRIBED ABOVE, COMPLETE THE FOLLOWING AUTHORIZATION TO ACT AS AGENT.**

**I/WE, THE UNDERSIGNED, HEREBY CERTIFY THAT AS DEED HOLDER(S) OF RECORD OF THE PROPERTY OR PROPERTIES DESCRIBED ABOVE, I/WE HEREBY AUTHORIZE THE PERSON LISTED ON THIS APPLICATION TO ACT AND APPEAL AS AGENT WITH RESPECT TO THIS APPLICATION. I/WE ALSO GRANT PERMISSION TO THE APPLICANT TO ERECT A PUBLIC NOTICE SIGN ON THE SUBJECT PROPERTY FOR PUBLIC INFORMATION PURPOSES.**

_____ Owner Name Printed	_____ Signature	_____ Date
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_____ Owner Name Printed	_____ Signature	_____ Date
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\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State, & Zip Code

1. Application for Vacation.

A. Procedure. Whenever any person desires to vacate all or part of any public square, or other public place, plat, street or similar area, such person shall file an application for vacation with City on forms provided by the Planning Department. Such forms shall conform to the requirements of ORS 271.080 (1). Attached to such application shall be forms reflecting the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby as defined in ORS 271.080 (2) and described below (C2). Such consent shall be in writing and duly acknowledged before an officer authorized to take acknowledgments of deeds.

1) The City shall review, under ORS 271.080 - 271.230, proposals for the vacation of public easements or rights-of-way which provide access to or along the estuary. The following requirements shall be met.

a. Petitioner first consults with Public Works and Planning.

b. Petitioner initiates vacation and submits the required fee to initiate process and petition (letter) which includes

1. Description of the ground proposed to be vacated;
2. Map and legal description of ground to be vacated;
3. Reason for the vacation; and

4. Proposed use for vacated property

- c. Petitioner will be provided a map delineating the required 200 x 400 foot area required for the consent of property owners. Absolute consent of all property owners that are adjacent to the property to be vacated is required. In addition, consent of 2/3 of the property owners on either side of the property to be vacated for a distance of 200 feet or the next parallel street (whichever is closer) and extending 400 feet from each end of the property to be vacated is required. (Note: The "absolute consents" can be considered as part of the 2/3 consents.)
- d. Petitioner will bring signed Consents to Vacate to the City for review.
- e. A date will be set for petition on Council agenda for public hearing.
- f. City will notify Petitioner of date Council will hear petition and Public Hearing.
- g. City will publish Public hearing notice two consecutive weeks prior to Public Hearing.
- h. City will prepare two signs (consisting of public hearing notice and map) at least 14 days prior to public hearing but not more than 5 days after first publication announcing public hearing. Signs to be posted by City at each end of proposed vacation.
- i. If Council does not deny petition at Public hearing, a motion may be made for a first reading of vacation ordinance after public hearing. The ordinance authorizing vacation shall be prepared for first and second reading by Council.
- j. Deed of Dedication shall be prepared and adopted with the ordinance authorizing vacation, and the original ordinance (and Deed) shall be sent to County Clerk for recording.

B. Hearing Date. Upon receipt of a valid and complete application and fee, the Planning Department shall set a date for public hearing upon the application before the City Council.

C. Maintenance of Public Access to Estuaries

- 1) Existing public ownerships, rights-of-way, and similar public easements, which provide access to or along the estuary shall be retained or replaced if sold, exchanged or transferred. Rights-of-way may be vacated to permit redevelopment of existing developed shoreland areas provided public access across the affected site is retained.
- 2) The City shall review, under the provisions of ORS 271.300 - 271.360, proposals for the sale, exchange or transfer of public ownership, which provide access to or along the estuary. A public hearing shall be held to review such proposals.

**NOTIFICATION REQUIREMENTS**

1. Public Hearings. Unless otherwise required by this Ordinance, any hearing before the Commission or Council required by any provision of Section 10 to 36 shall be in a public hearing held in accordance with the notification and procedure requirements hereinafter provided.

2. Notice of Hearings. Notice of Hearings. Upon fixing the time of public hearing before the Council, the City shall cause notice of such hearing to be given by posting and publication as required by the provisions of Section 4 of City Zoning Ordinance. In case of public hearing before the Council, the City Recorder shall cause such notice to be given in accordance with the provisions of this section herein.

A. Notice of a public hearing shall include the following information:

- 1) The name of the applicant;
- 2) The date, time, and location of the hearing;
- 3) A description of the ground (street location) for which the vacation action is pending, including the map and legal description.
- 4) A statement describing where the complete application, criteria and other relevant information is available for review, and how written comments may be submitted.

3. Posting Notices. The City shall require that affected applicants post notices of public hearings to be held by the Council for any Street Vacation by posting a sign in a manner clearly visible on the subject property within 10 feet of whatever boundary line of such land abuts each public road or street. If a public road abuts thereon, then such sign shall face in such a manner as may be most readily seen by the public. The template for such signs shall be provided to affected applicants by the City.

## ACKNOWLEDGEMENT OF POSTING

STATE OF OREGON                    )  
COUNTY OF TILLAMOOK        )        SS.  
CITY OF TILLAMOOK            )

I, \_\_\_\_\_, \_\_\_\_\_,  
(Print Name Here) (Print Address Here)

do hereby certify that by the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I will post the  
 (Date) (Month) (Year)  
 property referred to in this application with the time, location, nature of request  
 and date

of the scheduled public hearing.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Applicant's Signature**

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

# Notary Public for Oregon

My Commission Expires: \_\_\_\_\_.

**\*\* Sign shall be posted a minimum of twenty (20) days before the scheduled public hearing.**

**TO BE POSTED IN A MANNER CLEARLY VISIBLE ON THE SUBJECT PROPERTY WITHIN TEN (10) FEET OF WHATEVER BOUNDARY LINE OF SUCH LAND ABUTS EACH PUBLIC ROAD OR STREET. IF NO PUBLIC ROAD ABUTS THEREON, THEN SUCH SIGN SHALL FACE IN SUCH AMANNER AS MAY BE READILY SEEN BY THE PUBLIC.**

# R.O.W. VACATION REQUEST

REQUEST: \_\_\_\_\_

DATE: \_\_\_\_\_

TIME: **7:00 P.M.**

PLACE: **CITY HALL, 210 LAUREL AVE.**

THIS SIGN SHALL BE PLACED AT THE SUBJECT PROPERTY PER SECTION 10 (12) OF ZONING ORDINANCE #979.  
THIS POSTING SHALL REMAIN ON SITE FOR A MINIMUM PERIOD OF TWENTY DAYS PRIOR TO THE PLANNING  
COMMISSION MEETING WITH THE APPLICANT RESPONSIBLE FOR SUCH POSTING AND MAINTENNANCE.

The Sign shall be provided by the City of Tillamook to the applicant after the signing and notarizing of the "Acknowledgement of Posting" has taken place.

This sign shall be placed at the subject property in a manner clearly visible within ten (10) feet of whatever boundary line of such land abuts each public road or street. If no public road abuts thereon, then such sign shall face in such a manner as may be readily seen by the public.

The posting shall remain onsite for a minimum period of twenty (20) days prior to the Planning Commission meeting with the applicant responsible for such posting and maintenance.

## **PETITIONER INITIATED VACATION (Alley-Street) PROGRESS CHECKLIST**

\_\_\_\_\_  
(Location)

\_\_\_\_\_  
(Tax Lot Number)

**DATE** \_\_\_\_\_

- \_\_\_\_ **Petitioner** consults with Public Works and Planning to find out if they will consider the vacation.
- \_\_\_\_ **Petitioner** initiates vacation and submits:
- \_\_\_\_ \$900 fee to initiate process
- \_\_\_\_ Petition (letter) which includes
- \_\_\_\_ Description of the ground proposed to be vacated
- \_\_\_\_ Map and legal description of ground to be vacated
- \_\_\_\_ Reason for the vacation
- \_\_\_\_ Proposed use for vacated property
- \_\_\_\_ **City** provides the petitioner a map delineating the required 200 x 400 foot area required for the consent of property owners. Absolute consent of all property owners that are adjacent to the property to be vacated is required. In addition, consent of 2/3 of the property owners on either side of the property to be vacated for a distance of 200 feet or the next parallel street (whichever is closer) and extending 400 feet from each end of the property to be vacated. (Note: The "absolute consents" can be considered as part of the 2/3 consents.)
- \_\_\_\_ **Petitioner** will bring signed Consents to Vacate to the City for review.
- \_\_\_\_ **City** will place petition on Council agenda for public hearing. **City** will notify Petitioner of date Council will hear petition and Public Hearing.
- \_\_\_\_ **City** will prepare staff report and set public hearing date.
- \_\_\_\_ **City** will publish Public hearing notice in Headlight Herald (two consecutive weeks prior to Public Hearing). Dates to be published: \_\_\_\_\_ and \_\_\_\_\_
- \_\_\_\_ **City** will prepare two signs (consisting of public hearing notice and map) at least 14 days prior to public hearing but not more than 5 days after first publication announcing public hearing. Signs to be posted by **City** at each end of proposed vacation.
- \_\_\_\_ If **Council** does not deny petition at Public hearing, a motion may be made for a first reading of vacation ordinance after public hearing.
- \_\_\_\_ Ordinance authorizing vacation shall be prepared for first and second reading by **Council**.
- \_\_\_\_ Deed of Dedication prepared, if applicable.
- \_\_\_\_ Ordinance authorizing vacation, and applicable Deed of Dedication adopted.
- \_\_\_\_ **City** to send Original ordinance (and Deed) to County Clerk for recording.

### **CERTIFIED COPIES MAILED TO:**

- \_\_\_\_ County Assessor (NLT 10 days)
- \_\_\_\_ County Surveyor (NLT 10 days)

### **REGULAR COPIES SENT TO:**

- \_\_\_\_ Planning Department
- \_\_\_\_ Public Works Department
- \_\_\_\_ City Recorder

**NOTE:** All parties involved in this vacation are to send copies of ALL documents related to the vacation to the City Recorder for inclusion in the master file.