

BAY CITY
ORDINANCE NO. 600

AN ORDINANCE SETTING STANDARDS AND PROCEDURES FOR THE
VACATION OF PUBLIC RIGHTS-OF-WAY WITHIN THE CITY OF BAY CITY.

BE IT ORDAINED BY THE CITY OF BAY CITY:

SECTION 1. Purpose. The purpose of this vacation of right-of-way policy shall be to provide persons who propose vacations and to those who must review the proposals with a guideline for review and a method and process of handling vacation petitions. Vacation of public rights-of-way are not favored by the City of Bay City and a person proposing a vacation has the burden of showing the vacation will serve the public interest.

SECTION 2. Standards. The following are hereby established as standards governing the vacation of public rights-of-way within the City of Bay City:

- a. The right-of-way is not needed for access to abutting properties and the vacation will not land lock any property.
- b. The right-of-way is not necessary for proper traffic circulation at present or in the foreseeable future. The right-of-way is not necessary for bicycle or walking trails; or it can be utilized for these purposes with the retention of an easement.
- c. The right-of-way is not necessary for current or foreseeable utility routing and drainage or can be utilized for this purpose with the retention of a utility easement.
- d. The vacation is not in conflict with the Comprehensive Plan.
- e. The public interest will not be prejudiced by the vacation in any way.

SECTION 3. Vacation by Petition. Petition forms as outlined in ORS 271.080 for proposed vacations shall be filed with the City Recorder completed with the following information and together with the required fees:

- a. A current tax map of the area showing the right-of-way proposed to be vacated and the affected area.
- b. The purpose of the vacation.
- c. The written consent of affected property owners as required by state statute (currently ORS 271.080).
- d. The recommendation of the City of Bay City Public Works Superintendent, which shall give such consent only after considering the effect of such vacation on traffic

patterns, routing of city-owned utilities, drainage, bicycle and walking trails, and any other relevant factors.

- e. The recommendation of the Chief of the Bay City Fire Department.

SECTION 4. Vacation by Council. Any person may request initiation of a street vacation by the City Council. Any request must be made in writing and include all forms and all information set forth in Section 2(a) - (e), and Section 3 (a), (b), (d) and (e), together with required fees. Further the City always has the right to initiate a street vacation on its own motion, in which case, all fees shall be waived by the City.

SECTION 5. Procedure for Vacation.

- a) Upon the filing of a petition in accordance with Section 3 or 4, together with payment of the required fees, the City Recorder shall cause a copy thereof to be forwarded to the City of Bay City Planning Commission.
- b) After 20 days prior written notice of the public hearing to all properties within 250 feet of the requested vacated area the Planning Commission shall hold a public hearing for the purpose of hearing comments for and against said petition and evaluating the pertinent facts and circumstances of the specific request.
- c) After the public hearing, the Planning Commission shall forward its recommendation to the City Recorder for presentation to the City Council at its next regular meeting. In addition, the Planning Commission shall, as part of its recommendation, make a recommendation as to whether or not the proposed street vacation would have a significant impact on land uses in the area defined by ORS 271.080.
- d) The City Council shall hold a public hearing on the petition. After hearing, the Council may, by passing an appropriate ordinance, grant the petition, or grant any lesser degree of closure or deny the petition. Notice of the hearing shall be in accordance with ORS 271.110 and any other applicable statutes.

SECTION 6. Retention Easement. In the event that the City grants a vacation, the City shall retain a 15' wide access, utility and drainage way easement in a location recommended by the City Public Works Superintendent. The City may also impose any conditions on the vacation that it may deem necessary in order to properly adapt the former right-of-way to private use.

SECTION 7. Fees. The fee for filing for a vacation shall be set by council resolution.

SECTION 8. Title to Property. If a vacation is granted, the title to the property involved shall vest in the abutting owners as provided by state law.

PASSED by the City Council and APPROVED by the Mayor of the City of Bay City, Oregon, this 8th day of October, 2002.

CITY OF BAY CITY

/s/ James A. Cole, Jr., Mayor
James A. Cole, Jr., Mayor

ATTEST:

/s/ Linda Dvorak
Linda Dvorak, City Recorder

First Reading: October 8, 2002
Second Reading: October 8, 2002
Adoption: 6
Aye: 0
Nay: 0
Abstention: 0