

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of the Repeal of )  
 Ordinance 418 and the Adoption of a )  
 New Ordinance Establishing Procedures )  
 for the Vacation of Certain Public Property )                   ORDINANCE 625  
 under the Jurisdiction of the County; and )  
 Declaring an Emergency. )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on the 16th day of April, 1997, sat for the transaction of county business in formal session, Commissioners Thomas E. E. Bunn, Ted Lopuszynski, and Robert Johnstone being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

- A. The Board last enacted an ordinance regulating the procedure for the vacation of public property and county roads within the county on August 21, 1985 by Ordinance 418.
- B. It is in the best interests of the citizens of Yamhill County to repeal Ordinance 418 and adopt this ordinance in order to place primary reliance on statutory vacation procedures established in ORS Chapter 368. NOW THEREFORE,

**THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY HEREBY ORDAINS AS FOLLOWS:**

Section 1. Purpose. The purpose of this ordinance is to establish a procedure for an applicant to vacate all or part of any public road, trail, easement, county road, or other public property under the jurisdiction of the county governing body. This procedure shall be in addition to any other procedure provided by law.

Section 2. Application Process; Contents of Application or Petition. An application or petition for vacation shall be made to the Yamhill County Department of Public Works on forms prescribed by the department. A non-refundable application fee shall accompany the application or petition. The fee may be set from time to time by order of the Board. The application shall include all information required by

the Department of Public Works, and shall contain a statement of reasons why the property should be vacated. The application shall include a description of the property to be vacated in a form suitable to the County Road Official.

Section 3. Referral. The application may, at the discretion of the County Road Official, be referred to the Yamhill County Department of Planning and Development, the County Surveyor, the County Engineer, County Counsel, and any other federal, state, or local jurisdictions or other entities or individuals deemed appropriate for comment.

Section 4. Initial Board Consideration. Upon return of the appropriate referrals, if any, the County Road Official or his designee shall prepare a written report for submission to the Board. The report shall contain a description of the ownership and uses of the property proposed to be vacated; an opinion whether the vacation of the property would be in the public interest; and any other relevant information which the County Road Official deems appropriate. The report shall be forwarded to the Board of Commissioners for consideration at the next informal session, at which time the Board shall determine whether initiation of statutory vacation proceedings is appropriate or in the best interests of the citizens of Yamhill County.

Section 5. Scheduling of Hearing. If the Board determines a hearing to be legally required or appropriate to decide whether the property in question should be vacated, the Board shall establish a hearing date.

Section 6. Procedure at Hearing; Requirements for Vacation. Except as specifically modified or required by the provisions of this ordinance, vacations shall be considered, authorized or denied pursuant to the substantive and procedural requirements of ORS 368.326 to 368.366.

Section 7. Contents of the Order. In reaching a decision the Board shall issue an order which shall state an express determination whether the proposed vacation is in the public interest and shall further state whether the property is vacated and the exact location of the property. An order authorizing vacation shall be recorded with the County Clerk and filed with the County Surveyor and Assessor. The order may also vest ownership of the vacated property in accordance with ORS 368.366. The order of the Board shall be effective when recorded with the County Clerk.

Section 8. Repeal of Ordinance 418.

Section 9. This ordinance being necessary for the preservation of health, safety, and welfare of the citizens of Yamhill County, an emergency is hereby declared to exist and this ordinance shall be effective immediately upon passage.

DONE at McMinnville, Oregon on April 16, 1997.

ATTEST YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN

County Clerk Chairman

\_\_\_\_\_  
THOMAS E. E. BUNN

By: \_\_\_\_\_

\_\_\_\_\_

Deputy JAYNIE MITCHELL

Commissioner TED LOPUSZYNSKI

FORM APPROVED BY:

---

JOHN M. GRAY, JR.

Yamhill County Counsel

---

Commissioner ROBERT JOHNSTONE