

1 IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON

2 #81-567 FOR THE COUNTY OF YAMHILL

FILED
YAMHILL COUNTY

3 SITTING FOR THE TRANSACTION OF COUNTY BUSINESS Oct 28 11 03 AM '81

4 In the Matter of an Ordinance)
Setting Fees and Procedures)
5 for Road Vacations, Reflect-)
ing Changes Enacted by 1981)
6 Legislature, and Repealing)
Ordinance 110.)

ORDINANCE NO. 280

CHAS. STEERN
CLERK
DEPUTY

7

8 THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON

9 on the 28th day of October, 1981, in special session,

10 sat for the transaction of County business, commissioners COLIN

11 ARMSTRONG, TED LOPUSZYNSKI and ROBIN J. HAMBLET being present.

12 WHEREAS, the Board of Commissioners for Yamhill County,

13 hereinafter called "the Board," established a procedure for

14 private citizens to vacate public roads and County roads within

15 the County on September 8, 1976 by adopting County Ordinance

16 No. 110; and

17 WHEREAS, vacation procedures provided in ORS Chapters

18 271 and 368 were amended by the 1981 legislature as set forth

19 in House Bill 2051; and

20 WHEREAS, it is necessary for the Board to repeal

21 Ordinance No. 110 to reflect the changes set forth in HB 2051;

22 NOW, THEREFORE,

23 THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON

24 ORDAINS AS FOLLOWS:

25

SECTION I

26 The following procedure be and hereby is adopted for

1 -- ORDINANCE NO. 280

DARYL S. GARRETTSON
Yamhill County Counsel
OSBA #76141
Room 103, County Courthouse
5th & Evans Streets
McMinnville, Oregon 97128
(503) 472-9371, ext. 229

1 a private citizen to vacate all or part of any subdivision,
2 public road, trail, public easement, public square, county
3 road, or any other public property or public interest in
4 property under the jurisdiction of the County governing body.
5 This procedure shall be in addition to any other procedures
6 provided by law.

7 A. The application shall be made to the Yamhill
8 County Department of Planning and Development, hereinafter
9 referred to as "Planning Department" on forms prescribed by
10 the Planning Department together with a nonrefundable fee
11 as may be set from time to time by Order of the Board.

12 B. The application shall be referred by the Planning
13 Department for review and comment to the County Surveyor,
14 County Engineer, County Counsel and any other federal, state
15 or local jurisdictions deemed appropriate.

16 C. The County Engineer or his designee shall
17 prepare a report as required by law, and shall respond to
18 the application at the earliest possible date.

19 D. As soon as practical after receipt of review
20 and report by the County Engineer, the Planning Department
21 shall cause the application to be placed on the Agenda of
22 the Board and the Board shall determine whether to initiate
23 appropriate statutory proceedings or to deny the application.

24 E. If the appropriate statutory proceeding is
25 initiated, the Board shall establish a hearing date and shall
26 collect, through the Planning Department, an additional non-

1 refundable filing fee as may be set from time to time by
2 Order of the Board to defray the costs of the proceeding. No
3 notice shall be prepared as required by law until such
4 additional fee has been paid to the Planning Department.
5 If the additional fee is collected too late to meet the
6 requirements of notice under Oregon law, the Planning
7 Department shall notify the Board and the Board shall schedule
8 a new hearing date along with such additional fees as the
9 Board may require to cover the cost incurred to reschedule the
10 hearing.

11 F. The Planning Department shall prepare the notice
12 as required by statute with the necessary assistance from the
13 County Surveyor, County Engineer, and County Counsel.

14 G. The application shall then be referred, by the
15 Planning Department, to the County Surveyor, County Engineer,
16 Rural Fire Protection District, local Planning Advisory
17 Committee, County Counsel, adjacent property owners, Yamhill
18 County Planning Commission, and such other federal, state or
19 local jurisdictions as deemed appropriate.

20 H. All such departments provided with the application
21 in Paragraph G above, shall be encouraged to respond within 10
22 working days of their receipt of the application.

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SECTION II

25 Yamhill County Ordinance No. 110 is hereby repealed
26 in its entirety.

3 -- ORDINANCE NO. 280

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SECTION III

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This Ordinance being necessary for the preservation of the health, safety and welfare of the citizens of Yamhill County, an emergency is hereby declared to exist and this Ordinance shall take effect immediately upon its passage.

done this 28th day of October, 1981 at McMinnville, Oregon.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN,
Yamhill County Clerk
by:

Colin Armstrong
Chairman COLIN ARMSTRONG

Ted Lopuszynski
Commissioner TED LOBUSZYNSKI

Robin J. Hamblet
Commissioner ROBIN J. HAMBLET

Patricia A. Mullen
PATRICIA A. MULLEN,
Deputy