IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

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

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON

on the 28th day of October, 1981, in special session,
sat for the transaction of County business, commissioners COLIN
ARMSTRONG, TED LOPUSZYNSKI and ROBIN J. HAMBLET being present.

WHEREAS, the Board of Commissioners for Yamhill County,
hereinafter called "the Board," established a procedure for
private citizens to vacate public roads and County roads within
the County on September 8, 1976 by adopting County Ordinance
No. 110; and

WHEREAS, vacation procedures provided in ORS Chapters
271 and 368 were amended by the 1981 legislature as set forth
in House Bill 2051; and

WHEREAS, it is necessary for the Board to repeal
Ordinance No. 110 to reflect the changes set forth in HB 2051;

NOW, THEREFORE,

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON
ORDAINS AS FOLLOWS:

SECTION I

The following procedure be and hereby is adopted for

1 -- ORDINANCE NO. 280
a private citizen to vacate all or part of any subdivision, public road, trail, public easement, public square, county road, or any other public property or public interest in property under the jurisdiction of the County governing body. This procedure shall be in addition to any other procedures provided by law.

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

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

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

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

E. If the appropriate statutory proceeding is initiated, the Board shall establish a hearing date and shall collect, through the Planning Department, an additional non-
refundable filing fee as may be set from time to time by
Order of the Board to defray the costs of the proceeding. No
notice shall be prepared as required by law until such
additional fee has been paid to the Planning Department.
If the additional fee is collected too late to meet the
requirements of notice under Oregon law, the Planning
Department shall notify the Board and the Board shall schedule
a new hearing date along with such additional fees as the
Board may require to cover the cost incurred to reschedule the
hearing.

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

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

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

SECTION II

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

3 -- ORDINANCE NO. 280
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

Chairman COLIN ARMSTRONG

Commissioner TED LOPUSZNSKI

Commissioner ROBIN J. HAMBLET

PATRICIA A. MULLEN, Deputy

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