

W. T. A.  
ORIGINAL

## AGENDA COVER MEMO

**DATE:** June 13, 2005  
**TO:** Lane County Board of Commissioners  
**FROM:** Bill Robinson, Lane County Surveyor *WR*  
**DEPARTMENT:** Public Works/Land Management Division

**AGENDA ITEM TITLE:** WORK SESSION – ROAD VACATION PROCEDURES

**I. ISSUE:**

Should the Board revise current Lane County road vacation procedures?

**II. DISCUSSION:**

**A. Should all vacations require a hearing? If no, under what conditions?**

The Board has expressed some discomfort with not having public hearings in many of the recent vacation proceedings which could have been legally completed without the necessity of a public hearing. Because this office must advise citizens concerning the legally available options (essentially hearing or not), the costs involved and the criteria that might otherwise distinguish how the application might proceed, some discussion of this criteria would assist all involved in this process. In addition, having any such criteria added to Lane Manual may be an objective of this discussion, so that future applicants can better understand the process.

Should vacations without hearings be placed on the consent calendar? If yes, under what conditions?

In the two years 2003 and 2004, Lane County processed 27 vacations without a hearing and 5 with a hearing: without hearing – none denied; with a hearing - 3 denied and one brought back to reduce the status from County Road to Local Access Road.

**B. Should the County change the criteria it uses when determining whether the public interest will be served by the proposed vacation? If yes, what criteria should be used?**

Staff now looks at public interest with these criteria in mind:

- Is the portion of roadway no longer needed by the Lane County transportation system?

- Will property be denied legal access by this vacation? Significantly, public property, recreational property, and waterways, with a long-term view, are criteria.
- Will vacating provide for more full utilization of petitioners' properties, while having no negative impact on access to an otherwise obsolete portion of roadway?
- In conjunction with the vacation, will public utility easements be reserved for existing utilities?

**C. What criteria should be used to determine which vacations will receive a hearing?**

Historically, vacations without public hearings have been presented to the Board on their consent calendar. State law allows vacations without public hearing in situations where 1) 100% of the abutting property owners have signed the petition, and 2) the county road official files a report containing their assessment that the vacation is in the public interest.

Public hearings are required in any situation where the petition to vacate contains less than 100% of the abutting owners' signatures. Public hearings are required if an objection is raised through the referral process and is unable to be resolved by the petitioner. Public hearings have also been required by departmental policy in any situation where there is question of compromised public rights, such as restriction of access to public lands, lakes, rivers, streams, dunes, etc.

**D. Should the fees charged for a vacation proceeding fully cover the County's cost of processing the request?**

The vacation fees are: \$650 without a public hearing and \$1,500 with a public hearing.

Review of recent historic fee structures indicates that the costs of vacations have not been recovered. The existing fee structure does not recover all the expenses of processing vacation actions. Over the past two years, the un-recovered cost of vacation action in the County Surveyor's Program has been \$64,600. An increase in fees of approximately \$2,000 per vacation action would more closely match actual costs incurred by the County Surveyor's Program.

**E. Should the County attempt to recover compensation from the abutting land owners who benefit from the vacation? County Counsel is currently looking into this, and may have an opinion at or before the date set for the work session.**

A Department of Justice opinion from 1979 is attached. That opinion states "We conclude that the exaction by a city or county of payment for the appraised value of the vacated land must be characterized as an unreasonable condition."

So while recognizing that several local cities may have a contrary view, we question conditioning a vacation upon receipt of some fair market value compensation. We could always sell property interests, but once a petition to vacate is filed, saying that we won't vacate absent fair market value compensation, does not appear to be supportable under the law.

**III. ALTERNATIVES/OPTIONS:**

1. Retain existing Lane Manual vacation provisions.
2. Change Lane Manual vacation provisions.

**IV. IMPLEMENTATION/FOLLOW-UP:**

Following Board direction, staff will prepare the appropriate Lane Manual changes and return to the Board for review and adoption.

**V. ATTACHMENTS:**

ORS 368.326 – 368.426  
LM 15.300 – 15.305  
LM 60.853  
1979 Attorney General's Opinion  
Vacation Fee Comparisons

Contact Person: Bill Robinson x4198

**ORS 368.326 – ORS 368.426****VACATION OF COUNTY PROPERTY**

**368.326 Purpose of vacation proceedings; limitation.** ORS 368.326 to 368.366 establish vacation procedures by which a county governing body may vacate a subdivision, part of a subdivision, a public road, a trail, a public easement, public square or any other public property or public interest in property under the jurisdiction of the county governing body. The vacation procedures under ORS 368.326 to 368.366:

(1) Shall not be used by the county governing body to vacate property or an interest in property that is within a city.

(2) Are an alternative method to the method established under ORS chapter 92 for the vacation of a subdivision. [1981 c.153 §34]

**368.331 Limitation on use of vacation proceedings to eliminate access.** A county governing body shall not vacate public lands under ORS 368.326 to 368.366 if the vacation would deprive an owner of a recorded property right of access necessary for the exercise of that property right unless the county governing body has the consent of the owner. [1981 c.153 §35]

**368.336 Abutting owners in vacation proceedings.** Where the property proposed to be vacated under ORS 368.326 to 368.366 is a public road, a person owning property that abuts either side of the road is an abutting property owner for purposes of ORS 368.326 to 368.366 even when the county governing body proposes to vacate less than the full width of the road. [1981 c.153 §36]

**368.341 Initiation of vacation proceedings; requirements for resolution or petition.** (1) A county governing body may initiate proceedings to vacate property under ORS 368.326 to 368.366 if:

(a) The county governing body adopts a resolution meeting the requirements of this section;

(b) The person who holds title to property files with the county governing body a petition meeting the requirements of this section and requesting that the property be vacated; or

(c) The owner of property abutting public property files with the county governing body a petition meeting the requirements of this section and requesting vacation of the public property that abuts the property owned by the person.

(2) A county governing body adopting a resolution under this section shall include the following in the resolution:

(a) A declaration of intent to vacate property;

(b) A description of the property proposed to be vacated; and

(c) A statement of the reasons for the proposed vacation.

(3) Any person filing a petition under this section shall include the following in the petition:

(a) A description of the property proposed to be vacated;

(b) A statement of the reasons for requesting the vacation;

(c) The names and addresses of all persons holding any recorded interest in the property proposed to be vacated;

(d) The names and addresses of all persons owning any improvements constructed on public property proposed to be vacated;

(e) The names and addresses of all persons owning any real property abutting public property proposed to be vacated;

(f) Signatures, acknowledged by a person authorized to take acknowledgments of deeds, of either owners of 60 percent of the land abutting the property proposed to be vacated or 60 percent of the owners of land abutting the property proposed to be vacated; and

(g) If the petition is for vacation of property that will be redivided in any manner, a subdivision plan or partitioning plan showing the proposed redivision.

(4) The county governing body may require a fee for the filing of a petition under this section. [1981 c.153 §37]

**368.346 Report, notice and hearing for vacation proceedings.** Except as provided in ORS 368.351:

(1) When a vacation proceeding has been initiated under ORS 368.341, the county governing body shall direct the county road official to prepare and file with the county governing body a written report containing the following:

- (a) A description of the ownership and uses of the property proposed to be vacated;
- (b) An assessment by the county road official of whether the vacation would be in the public interest; and
- (c) Any other information required by the county governing body.

(2) Upon receipt of the report under subsection (1) of this section, a county governing body shall establish a time and place for a hearing to consider whether the proposed vacation is in the public interest.

(3) Notice of the hearing under this section shall be provided under ORS 368.401 to 368.426 by posting and publication and by service on each person with a recorded interest in any of the following:

- (a) The property proposed to be vacated;
- (b) An improvement constructed on public property proposed to be vacated; or
- (c) Real property abutting public property proposed to be vacated.

(4) During or before a hearing under this section, any person may file information with the county governing body that controverts any matter presented to the county governing body in the proceeding or that alleges any new matter relevant to the proceeding. [1981 c.153 §38]

**368.351 Vacation without hearing.** A county governing body may make a determination about a vacation of property under ORS 368.326 to 368.366 without complying with ORS 368.346 if:

- (1) The county road official files with the county governing body a written report that contains the county road official's assessment that any vacation of public property is in the public interest; and
- (2) The proceedings for vacation under ORS 368.326 to 368.366 were initiated by a petition under ORS 368.341 that contains the acknowledged signatures of owners of 100 percent of any private property proposed to be vacated and acknowledged signatures of owners of 100 percent of property abutting any public property proposed to be vacated. The petition must indicate the owners' approval of the proposed vacation. [1981 c.153 §39]

**368.356 Order and costs in vacation proceedings.** (1) After considering matters presented under ORS 368.346 or 368.351, a county governing body shall determine whether vacation of the property is in the public interest and shall enter an order or resolution granting or denying the vacation of the property under ORS 368.326 to 368.366.

(2) An order or resolution entered under this section shall:

- (a) State whether the property is vacated;
- (b) Describe the exact location of any property vacated;
- (c) Establish the amounts of any costs resulting from an approved vacation and determine persons liable for payment of the costs;
- (d) Direct any persons liable for payment of costs to pay the amounts of costs established; and
- (e) If a plat is vacated, direct the county surveyor to mark the plat as provided under ORS 271.230.

(3) When an order or resolution under this section becomes final, the county governing body shall cause the order to be recorded with the county clerk and cause copies of the order to be filed with the county surveyor and the county assessor. The order or resolution is effective when the order or resolution is filed under this subsection.

(4) Any person who does not pay costs as directed by an order under this section is liable for those costs. [1981 c.153 §40]

**368.361 Intergovernmental vacation proceedings.** (1) Notwithstanding ORS 368.326, a county governing body may vacate property that is under multiple public jurisdiction or that crosses and recrosses from public jurisdiction to public jurisdiction if:

- (a) Vacation proceedings are initiated by each public body with jurisdiction;
- (b) The public bodies proceed separately with vacation proceedings or conduct a joint proceeding; and
- (c) Each public body reaches a separate decision about the proposed vacation.

(2) Each public body must reach a separate decision to vacate property under this section before the vacation may be completed. If each public body has determined that the property should be vacated, each public body shall issue a separate order or resolution vacating those portions of the property under their respective jurisdictions.

(3) Notwithstanding ORS 368.326, a county governing body may vacate property that is under the jurisdiction of the county and that is entirely within the limits of a city if that city, by resolution or order, concurs in the findings of the county governing body in the vacation proceedings.

(4) Public bodies vacating property under this section shall each use procedures for vacation that each uses for other vacation proceedings. [1981 c.153 §41; 1989 c.219 §1]

**368.366 Ownership of vacated property.** (1) When a county governing body vacates public property under ORS 368.326 to 368.366, the vacated property shall vest as follows:

(a) If the county holds title to the property in fee, the property shall vest in the county.

(b) If the property vacated is a public square the property shall vest in the county.

(c) Unless otherwise described in paragraph (a) or (b) of this subsection, the vacated property shall vest in the rightful owner holding title according to law.

(d) Except as otherwise provided in this subsection, the vacated property shall vest in the owner of the land abutting the vacated property by extension of the person's abutting property boundaries to the center of the vacated property.

(2) Notwithstanding subsection (1) of this section, a county governing body may determine the vesting of property vacated under ORS 368.326 to 368.366 in the order or resolution that vacates the property. [1981 c.153 §42]

## NOTICE

**368.401 General notice provisions.** (1) ORS 368.401 to 368.426 establish standard methods for providing notice by service, posting or publication in actions or proceedings affecting real property. The methods established in ORS 368.401 to 368.426 for providing notice are applicable when notice is required by law to be made under ORS 368.401 to 368.426.

(2) ORS 368.401 to 368.426 do not:

(a) Limit the use of public moneys for providing notice or providing other information.

(b) Limit the persons to whom notice or information may be provided.

(c) Limit the manner in which notice may be provided.

(d) Apply where other methods for providing notice are specifically provided by law.

(e) Supersede any specific provision for providing notice that is part of any law requiring or permitting notice to be given under ORS 368.401 to 368.426. [1981 c.153 §43]

**368.405** [Repealed by 1981 c.153 §79]

**368.406 Notice by service.** (1) When the law requires notice to owners of certain real property by service, the person providing notice by service may have notice personally served or may have the notice mailed.

(2) A person providing notice shall accomplish notice that is personally served by obtaining a signed acknowledgment of receipt of notice from:

(a) The person being served; or

(b) A person 18 years of age or older who resides at the address of the person being served.

(3) A person providing notice by mail shall accomplish notice by certified mail, return receipt requested, to the address of the person being served.

(4) A person's refusal to sign a receipt for notice that is personally served or mailed under this section is a waiver of any objection based on nonreceipt of the notice in any proceeding.

(5) Except where the person providing notice under this section has personal knowledge of a more appropriate address for the notice, the address to be used for notice personally served or mailed under this section is the address of the person to be served as shown on the tax rolls.

(6) A person serving notice under this section must serve notice at least 30 days before the date of the proceeding that is the subject of the notice. [1981 c.153 §44]

**368.410** [Repealed by 1981 c.153 §79]

**368.411 Notice by posting.** (1) Where the law requires notice by posting, the person providing notice shall post notices in no less than three places. The places where notice may be posted include any of the following:

(a) The property subject to the proceeding that is the subject of the notice; or

(b) Property within the vicinity of the property described in paragraph (a) of this subsection.

(2) Notice that is posted on property under this section must be plainly visible from a traveled public road.

(3) Notwithstanding subsection (1) of this section, a person providing notice under this section may post fewer than three notices if the small size of the property limits the value of the number of postings.

(4) A person posting notice under this section must post notice at least 20 days before the date of the proceeding that is the subject of the notice. [1981 c.153 §45]

**368.415** [Amended by 1953 c.229 §2; 1971 c.427 §1; 1981 c.153 §66; renumbered 368.041]

**368.416 Notice by publication.** (1) Where the law requires notice by publication, the person providing notice shall publish the notice in a newspaper of general circulation in the county where the property that is the subject of the proceeding is located.

(2) A person publishing notice under this section must publish the notice once at least 20 days before and once within 10 days of the date of the proceeding that is the subject of the notice. [1981 c.153 §46]

**368.420** [Repealed by 1981 c.153 §79]

**368.421 Record of notice.** A person providing notice under any provision of ORS 368.401 to 368.426 shall complete and sign an affidavit containing a record of the procedure followed to provide notice under those sections. The person shall file the affidavit with the public body with jurisdiction over the proceeding that is the subject of the notice or in a place designated by that public body. [1981 c.153 §47]

**368.425** [Repealed by 1981 c.153 §79]

**368.426 Contents of notice.** Any notice under ORS 368.401 to 368.426 must include all of the following:

(1) A short plain statement of the subject matter of the proceeding that requires the notice.

(2) A statement of matters asserted or charged or action proposed to be taken at the proceeding.

(3) An explanation of how persons may obtain more detailed information about the proceeding.

(4) A statement of any right to hearing afforded any parties under law.

(5) The time and place of any proceeding that will take place.

(6) A reference to particular sections of statute, charter, ordinance or rule that provide the jurisdiction and process for the proceeding that is the subject of the notice. [1981 c.153 §48]

## **LM 15.300 – 15.305 ROAD VACATIONS**

### **15.300 General Requirements.**

Vacation of County Roads pursuant to the process provided in LM 15.305 or conversion of County Roads to Local Access Road or Public Road (non-County maintained) status by withdrawal of County Road status pursuant to ORS Chapter 368 may be considered where little need exists for the road to be part of the County Road System. The following categories of County Roads may be considered by the Board of County Commissioners for vacation or withdrawal of County Road status:

- (1) Dead-end roads which serve four or fewer permanent residences.
- (2) Roads within National Forest boundaries, within Bureau of Land Management ownership areas, or adjacent to resource land areas under single ownership.
- (3) Roads that are undeveloped rights-of-way, are dirt roads, or are not currently maintained by County forces.
- (4) Roads that have received County maintenance, but are unusually difficult to maintain because of substandard road width, right-of-way width, steep topography, or materials or construction practices, which may result in excessive cost and liability exposure.
- (5) The following items shall be considered by the Board in reviewing these actions on a case-by-case basis:
  - (a) The need for a public right-of-way to provide for the orderly development of adjacent property.
  - (b) The need for public maintenance of the right-of-way.
  - (c) School bus traffic.
  - (d) Bridges and the potential for public safety problems associated with bridges.
  - (e) Railroad crossings and PUC requirements for County participation in applications for railroad crossing improvement or establishment.
  - (f) The potential for landslide and stability problems.
  - (g) Resource hauling (timber, agriculture, sand and gravel) that would unfairly burden other property owners.
  - (h) Use by law enforcement or fire protection personnel.
  - (i) Potential use as detour routes in the case of construction or disaster.
  - (j) Potential for elimination of right of access that is a matter of public record. *(Revised by Order No. 04-5-5-8, Effective 6.4.04)*

### **15.305 Vacation Procedures.**

The below-listed procedures should be considered the policy of Lane County, and establish certain desirable safeguards in addition to the procedures for vacation of streets, lots, alleys, roads, highways, commons and public squares provided in ORS Chapter 368.

- (1) The Surveyor's Office, upon receipt of any petition or resolution of the Board submitted in accordance with ORS Chapter 368, shall send a copy of such petition or resolution to the Planning Director and County Engineer for review.
- (2) Upon receipt of such petition or resolution, the Surveyor's Office shall mail to persons owning property adjoining that to be vacated notice of the date, time and place of the hearing.
- (3) Prior to the time of the scheduled hearing, the Surveyor's Office shall also contact any public utilities, cities, or other public agencies, which in the judgment of the Surveyor's Office might have an interest in the vacation, and solicit the views of such utilities or agencies regarding the vacation.
- (4) When special planning or engineering considerations are involved, and at the discretion of the Planning Director and County Engineer, the petition or resolution may be submitted to the Planning Commission or Roads Advisory Committee for consideration and recommendations as appropriate. Such referral, however, shall not delay the hearing and decision on the petition or resolution by the Board.
- (5) Road vacations proposed as part of lot or parcel reconfigurations or property line adjustments, that will result in loss of connectivity between Public and/or County Roads as defined in LC 15.010(35) shall require approval of a replat of all subdivision lots and partition parcels adjacent to the road to be vacated pursuant to the requirements of LC Chapter 13. As part of the replat process, the County may require dedication of right-of-way or the creation of private easements, and road improvements, to ensure previously existing connectivity between Public or County Roads is maintained.
- (6) Vacations, other than those by petition, shall be referred to the Roads Advisory Committee for its consideration and recommendations.
- (7) The Surveyor's Office shall attach a copy of the affidavit of posting to the final order of vacation prior to its submission to the Board of County Commissioners for action.
- (8) The Board shall consider the general requirements of LM 15.300 in making its decision. *(Revised by Order No. 91-5-15-20, Effective 5.15.91; 04-5-5-8, 6.4.04)*



## LANE MANUAL 60.853

### **60.853 Fees.**

Pursuant to ORS 368.326 through 368.368, the following fee schedule shall be paid at or prior to the time of filing petitions for the vacation of all or any part of any lot, tract, street, alley, road, highway, common or all or any part of any public square or any other public property or public interest in property in any unincorporated area or town:

- (1) \$1500 for a proposed vacation of public lands with a public hearing plus \$75/hour for field investigation and posting;
- (2) \$650 for a proposed vacation of public lands without a hearing per ORS 368.351.

Fees shall be made payable to the Lane County Surveyor for the purposes of offsetting the costs of investigating and acting on such petitions by Lane County, and no part of said fee shall be refunded to the petitioner in the event the petition is withdrawn by the petitioner or denied by the Board. The cost of legal advertising and recording fees shall be borne by petitioner. *(Revised by Order No. 01-4-4-6, Effective 7.1.01; 04-2-11-3, 7.1.04)*

**The following is an excerpt from OPINIONS OF ATTORNEY GENERAL OF THE STATE OF OREGON, 1979, Pages 467-474**

## SECOND QUESTION PRESENTED

May a city or county condition the grant of a petition for street vacation upon agreement by the petitioner to pay the appraised value of the vacated street area which will become property of the petitioner by operation of law?

## ANSWER GIVEN

No.

## DISCUSSION

In the second question presented, we are asked if a city or county may condition the grant of a petition for the vacation of a street or road upon payment by the petitioner of the appraised value of the vacated street area which would become property of the petitioner. We are informed that it is the practice in certain cities to exact payments from abutting landowners when streets are vacated.

We conclude that the exaction by a city or county of payment for the appraised value of the vacated land must be characterized as an unreasonable condition. To exact payment for the appraised value of the property amounts to requiring the property owner to pay for what he already owns.

Support for this conclusion can be found in the statutes authorizing street vacations for incorporated cities. ORS 271.140 provides:

*"The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest as provided by ORS 271.060."* (Emphasis added).

The statute authorizing county road vacations in unincorporated areas contain a similar provision. ORS 271.060.

We note also that the fundamental requirement of a street or road vacation is that a finding be made "whether the public interests will be prejudiced by the vacation of such plat or street or parts thereof. . . ." ORS 271.120. Once this finding is made and the other steps leading to the vacation are completed, the property automatically by operation of law belongs to the abutting landowner. ORS 271.060, *supra*; cf. *Portland Baseball Club v. Portland*, 142 Or 13, 18 P2d 811 (1933).

It is clearly permissible for a city to weigh the public detriment of a vacation against the public benefit of a proposed or possible use, and to vacate the street subject to a condition or enforceable agreement that the property owner acquiring title to the vacated property perform any act necessary to weight the scales in favor of the public interest. In the usual case, however, if the only reasonable finding is that the public interest will not be prejudiced by the vacation, exaction of a cash payment as a condition precedent to making such a finding would appear to have no legal justification. While reasonable fees for the costs of the vacation are permitted, we find no statutory authorization for a further requirement that a property owner pay the appraised value of the property. In short, we believe that exaction of fees or conditions equaling the appraised value of the land under the vacated street or road would be held invalid by a court.<sup>5</sup>

JAMES A. REDDEN  
Attorney General

<sup>5</sup> We note that ORS 271.170 provides for the city charter provisions which may provide an alternative system. We know of no such charter provision which would authorize the practice of exacting the appraised value of the underlying land as a condition to granting a street vacation. Moreover, we have doubt as to the validity of such a charter provision.

# VACATION FEE COMPARISONS

June 9, 2005

## LANE COUNTY – LM 60.853

Vacation Without Public Hearing

\$650, plus filing fee

Vacation With Public Hearing

\$1500, plus \$75 per hour for field investigation and posting, plus filing fee.

## CITY OF EUGENE

	<u>FEE IN CITY</u>	<u>FEE IN UGB</u>
Vacation - Unimproved Public Easement	\$864.00	\$1,577.88
Vacation - Platted Lot Line	\$864.00	\$1,577.88
Vacation - Improved Public Easement	\$864.00	\$1,577.88
Vacation - Undeveloped Plat	\$864.00	\$1,577.88
Vacation & Rededication of Unimproved Right-of-Way	\$2,715.12	\$5,581.44
Vacation - Unimproved Right-of-Way	\$2,715.12	\$5,581.44
Vacation - Improved Public Right-of-Way	\$3,371.76	\$6,247.80
Vacation - R-O-W with Public Funds	\$3,371.76	\$6,247.80

In addition to payment of the application and publication fees, a vacation of improved or unimproved public right of-way, any public way acquired with public funds, or any undeveloped subdivision or partition plat, or portions thereof, requires the payment by the applicant of a deposit equal to the assessment of special benefit that results from the vacation and disposition of property to the benefited property owners.

The assessed value of special benefit and the amount of money to be deposited shall be determined by the city manager and approved by the city council. The assessed value of special benefit shall include the value of the real property; and the costs incurred by the city in the construction of public improvements.

## CITY OF SPRINGFIELD

	<u>FEE IN CITY</u>	<u>FEE IN UGB</u>
Vacation Easements	\$1,786	\$2,693
Vacation ROW, Subdivision Plat and other public property	\$2,592	\$3,911

In addition to payment of the application and publication fees for a vacation of improved or unimproved public right-of-way, any public way acquired with public funds, or any undeveloped subdivision or partition plat, or portions thereof, a payment to the City is required in an amount equal to the assessment of special benefit resulting or inuring to the abutting property that results from the vacation and disposition of property to the benefited property owners.

The assessed value of special benefit that results from the vacation and disposition of property to the benefited abutting property owners shall include the value of the real property, the costs incurred by the City in the construction of public improvements, if any such improvements have been made, and the value of any public easements or reservations retained by the City.

**CITY OF FLORENCE**

Street or Alley Vacation

\$300 Application fee

(Fee will be \$650 effective July 1, 2005)

Additional fees are collected to cover actual costs of administration, publication and notice. Abutting owners are also assessed the value of the public way proposed for vacation. The assessment is calculated on the basis of the square foot value of the abutting property as shown on county tax rolls. The assessment is to be paid to the city in lump sum, or by 20 semi-annual payments at 10% interest.

**BENTON COUNTY**

Vacation (Any)

\$900

**CLACKAMAS COUNTY**

Vacation Without Public Hearing:

Applicant prepares all documentation

\$695

County prepares all documentation

\$1,795

Vacation With Public Hearing

Applicant prepares all documentation

\$4,340

County prepares all documentation

\$6,540

**DESCHUTES COUNTY**

Vacation (Any)

\$500

**JACKSON COUNTY**

Right-of-Way Vacation

Recover 10% of cost

Right-of-Way Vacation Check

Recover 100% of cost

**LINN COUNTY**

Vacation of County Road

\$195 (min. deposit)

**MARION COUNTY**

Road Vacation

\$1290, plus \$125.00 filing fee

**WASHINGTON COUNTY**

Vacation of Public Property Fee = Actual Cost (Minimum fee \$273 / Deposit 120% of estimated cost)