

PETITIONER INITIATED VACATION OF RIGHT-OF-WAY INSTRUCTIONS

General: The City Council has the authority to vacate any street, alley, avenue, or other public right of way that is no longer needed for public purposes. In order to vacate a street, alley or other public right of way, the City must follow a process dictated by state statutes. To assist you, the following is a summary of the process and the information you will need to provide.

Process:

1. You will need to file a petition (letter) to vacate the property. The petition must contain the following information (which City staff can help you with):
 - A. The description (metes and bounds) of the ground proposed to be vacated. Include a map showing the area to be vacated, and the surrounding property.
 - B. The reason for the vacation.
 - C. The proposed use for the vacated property.
 - D. A \$600 check, payable to the City of Redmond (for staff time, etc.)
2. After you have submitted the petition, City staff will determine which properties need to consent to the proposed vacation. All of the property owners that are immediately adjacent to the right of way to be vacated must agree. In addition, you will need the consent of 2/3 of the property owners on either side of the property to be vacated for a distance of 200 feet or the next parallel street (which ever is closer) and extending 400 feet from each end of the right of way to be vacated. City staff will provide a list of the property owners you need to request consent from.
3. Contact all utility companies on the attached list to see if they have any existing or planned utilities in the right of way to be vacated. A letter is needed from each utility stating whether they have facilities in the right of way, if it will be needed in the future and if an easement is required after vacation.
4. Bring the petition, check and consents to the Engineering Division, who will review it. If everything is complete, the City Recorder will put the petition on the agenda before the City Council. The petitioners will be notified of the date that the City Council will consider initiating the vacation. If the Council decides to proceed, a public hearing will be scheduled approximately one month later. You will be notified of that date also. It is not mandatory that you attend either meeting.
5. After the public hearing date, the City Recorder will file the approved vacation ordinance with the County Clerk's office. The ordinance becomes final 30 days after City Council approval.

DRAFT LETTER TO SEND OUT FOR CONSENT

Tip: To encourage a response, include a self-stamped envelope with postage for people to return their consent form.

PROPOSED STREET and/or ALLEY VACATION
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TO: *(OWNER / TENANT NAMES)*
FROM: *(Individual or company proposing vacation)*
DATE: *(insert date)*
SUBJECT: Vacation of *(insert area of vacation)*

The City of Redmond is considering vacation of *(describe the specific streets, addresses, and/or alleys you are requesting to be vacated)*. The attached map shows the proposed vacation.

Consent from properties owners is required before the vacation can be approved by City Council. All property owners immediately adjacent to the proposed vacation must give their consent since their property will be directly impacted. In addition, at least two-thirds of adjacent property owners, within 400 feet of each end and 200 feet on each side, must give consent to the proposed vacation.

Please sign and return the attached form indicating whether you agree to or oppose the proposed right of way vacation. If you have any concerns or questions, please contact *(insert contact information here)*.

This page is optional to send out with street vacation letter to help with questions.

Frequently Asked Questions & General Process for Vacations

What is a street or alley vacation?

The complete or partial abandonment or termination of the public right to use a street, alley, etc. The City of Redmond will consider requests to vacate unused or unnecessary rights of way that are no longer needed for public purposes. If there are utilities such as power or water lines, an easement may be retained to allow access for the utility company to maintain or repair their lines, but it is no longer open to the public.

Why am I getting this letter if the portion of street or alley doesn't touch my property?

The City is required to get 100% consent from property owners immediately adjacent to the proposed vacation, as well as consent from two thirds of the property owners near the proposed vacation including those within 400 feet of each end and 200 feet of each side. The consent is required just in case adjacent properties have an interest in using the right of way.

What happens to the right of way once it is vacated?

Typically the right of way is divided down the middle with half going to the properties on each side. The vacated right of way then becomes part of the adjacent property.

Process for Vacations

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 - b. The reason for the vacation.
 - c. The proposed use for the vacated property.
 - d. A \$600 check, payable to the City of Redmond (for staff time, etc.)
2. After you have submitted the petition, City staff will determine which properties need to consent to the proposed vacation. All of the property owners that are immediately adjacent to the right of way to be vacated must agree. In addition, you will need the consent of 2/3 of the property owners on either side of the property to be vacated for a distance of 200 feet or the next parallel street (whichever is closer) and extending 400 feet from each end of the right of way to be vacated. City staff will provide a list of the property owners you need to request consent from.
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4. Bring the petition, check and consents to the Engineering Division, who will review it. If everything is complete, the City Recorder will put the petition on the agenda before the City Council. The petitioners will be notified of the date that the City Council will consider initiating the vacation. If the Council decides to proceed, a public hearing will be scheduled approximately one month later. You will be notified of that date also. It is not mandatory that you attend either meeting.
5. After the public hearing date, the City Recorder will file the approved vacation ordinance with the County Clerk's office. The ordinance becomes final 30 days after City Council approval.

DRAFT CONSENT FORM TO SEND OUT

Please indicate your choice, sign, and return this page

CONSENT or OPPOSITION TO STREET VACATION

For the vacation of right of way in the attached description, I/we, the undersigned legal owner(s) of real property affected by the following, do hereby (please choose one)

CONSENT to

or

OPPOSE

the right-of-way vacation on *(must include legal description by metes and bounds here or reference legal description that is attached).*

Signature (must be signed by ALL legal owners)

Address

Tax Lot Number

Utilities Contact List to confirm current/planned utilities in vacation area

Bend Broadband
63090 Sherman Rd.
Bend, OR 97701
541-312-6458

Cascade Natural Gas
PO Box 5399
Bend, OR 97708
541-706-6282

Central Electric Coop.
2098 N HWY 97
Redmond, OR 97756
541-312-7747

Pacific Power & Light
328 NW Webster St.
Bend, OR 97701
541-388-7132

Central Oregon Irrigation District
1055 SW Lake Court
Redmond, OR 97756
541-548-6047

Qwest/Century Link
100 NE Kearney
Bend, OR 97701
541-385-0220 or 541-385-0296

Quantum/LSN (LightSpeed Networks, Inc.)
921 SW Washington St, Suite 370
Portland, OR 97205
503-414-0494