

Road Vacations

What is a Road Vacation?

A road vacation is an action taken by the Clatsop County Board of Commissioners by Resolution and Order when the public interest in a road right-of-way is eliminated.

Clatsop County holds an easement on right of way for public travel on public and county road rights-of-way outside of incorporated areas of the County. The County may end this interest if the easement does not serve the County's needs or it is deemed beneficial to return the unused area to the public tax rolls. ORS 368.326 to 368.426 and Clatsop County Resolution & Order 2000030016 govern the vacation of rights-of-way in Clatsop County.

Vacation of rights-of-way abutting bodies of water may need to comply with the Coastal Shore Lands Goal, also known as Oregon Statewide Land-Use Planning Goal 17, and with Clatsop County's comprehensive land-use plan and ordinances.

How to Initiate a Road Vacation?

The owner(s) of property abutting a road may initiate a vacation by contacting the Clatsop County Surveyor. An Informational Packet that includes the Public Works Policy, Community Development Guidelines and a Request Form and Petition will be sent to you. When the request form is returned to the Surveyor, a meeting will be set up with the Public Works Department, Community Development Department, the Surveyor and the applicant. An applicant can then file a petition with the Surveyor and pay a fee (see County Fee Schedule). The petition must meet the requirements of ORS 368.341.

The amount of time to process a road vacation depends largely on the number of issues needing to be resolved. A typical road vacation will take about six months. This time is required for the County to adequately review the public's interest in the property before it is vacated to private parties and to comply with all requirements of ORS 368.326 to 368.426.

Once the petition is filed, the County Surveyor will prepare a legal description of the property to be vacated. The petition will then be referred to the Board of Commissioners for review at a regular board meeting. The Board of Commissioners will request a Roadmaster's Report from the County Engineer. A map and the legal description are distributed to the Assessor and the Planning Director for their comments. At the same time notice is given to the appropriate utilities in the vicinity of the proposed vacation. If deemed necessary, the County may require

the property owner to provide an easement for the protection of existing or future utilities within the right of way.

Public Hearing and Notice

After investigation, the County Engineer will make a recommendation to the county commissioners on the proposed road vacation. This recommendation will be made at a public hearing at a regular meeting of the Board of Commissioners. At this hearing, the Board will review the County Engineer's recommendation and take testimony. Petitioners and interested parties should attend this hearing. The Board may approve or deny the road vacation at this meeting.

Notification of this public hearing will be sent to property owners affected by the vacation by certified mail at least 30 days before the hearing. At least 20 days prior to hearing, a notice of hearing will be posted in three places at, or near property to be vacated, within sight of the traveled road. A notice of the hearing will be advertised in local newspapers designated by the County for legal notices once at least 20 days before hearing and once within 10 days of the hearing and will be posted in the County Courthouse lobby and in Public Services Building 820 Exchange Street in Astoria.

Ownership of Vacated Right of Way

A road vacation simply terminates the County's authority over a parcel; it does not distribute property. Vacated property will return to its historical origin. Usually, a road vacation converts the public's right of way to the private use and ownership of abutting landowners (one on each side of the street, for example). The vacated property vests in its rightful owner automatically, no matter who petitions for a vacation or who pays the vacation costs. Some minor exceptions to property award will be discussed with you, if applicable.

Costs

A non-refundable cash fee is payable at the time of the filing of the petition for vacation with the County Surveyor. Check the County Fee Schedule for current fee. In most cases this will cover the cost of the entire vacation process. Under certain circumstances, there may be charges in addition to the vacation fee to reflect post vacation property values.

Owners of property abutting the road approved for vacation are responsible for deciding how the administrative costs of the vacation will be apportioned. If you have neighbors with whom you want to share the costs, this should be negotiated and agreed to prior to the filing of the petition.

The Petition

A petition form with instructions is available from:

Public Works Department
1100 Olney Avenue
Astoria, OR 97103
(503) 325-8631

Or you may present a petition in another form as long as it meets the following requirements of ORS 368.341:

- Description of property to be vacated.
- A statement of the reasons for requesting the vacation.
- Names and addresses of all persons holding any recorded interest in property to be vacated.
- Names and addresses of all persons owning improvements on property to be vacated.
- Names and addresses of all persons owning real property abutting property to be vacated.
- Signatures of either owners of 60 percent of land abutting property to be vacated or 60% of the owners of land abutting the property to be vacated.
- If petition is for vacation of property that will be redivided, it will need subdivision plan or partitioning plan.

Where to File

To file the petition and commence the action, please return the completed petition and fee to:

Clatsop County Surveyor
Clatsop County Public Works Dept.
1100 Olney Avenue
Astoria, Oregon 97103

If you have any questions, contact the Clatsop County Surveyor at: (503) 325-8631.

More Information

Since the fee for road vacations is non- refundable, petitioners are advised to contact all parties who may have an interest in vacation, such as all abutting property owners, before submitting a petition for vacation. The County Surveyor can help you identify the interested parties.