



COMMUNITY DEVELOPMENT

RIGHT OF WAY VACATION APPLICATION

Contact Information

Applicant: _____ Phone: _____

Address: _____ Email: _____

Eplans Submitter: _____ Phone: _____

Address: _____ Email: _____

Applicant Signature: _____ Date: _____

SUBMITTAL REQUIREMENTS

A pre-application meeting is required prior to submittal of this application.

All plans must be submitted electronically. Please complete this application, save it to your computer, and e-mail it to BendPlanning@bendoregon.gov. Once the application is received by the City and entered into our system, you will receive emailed instructions on how to upload your application materials to the City's ePlans electronic permitting system. Application fees may be paid in person or mailed to the City of Bend Permit Center, 710 NW Wall Street, Bend, OR 97703. Credit card payments may also be made by phone after you receive the eplans upload request. Call (541) 388-5580 and select option #3 for the Planning Division to pay with a credit card.

The petition shall contain the information required by state law, and:

- The attached petition form, completed and signed.
- A title report showing ownership of the properties abutting the area proposed to be vacated and in the affected area; and
- A tax map showing the area proposed to be vacated and the affected area.
- Identify any existing utility facilities within the area to be vacated. Utilize the "Call 811 Before You Dig" service to verify location and types of utilities that may be present.
- A signed form from each Franchised Utility listing whether they have utilities within the area to be vacated and whether they consent to the requested vacation. (Form attached)
- Signed consent forms from the owners of all abutting property, and of not less than two-thirds of the owners in the area affected by the right of way vacation. One form is required for each property owner with the affected area. (Form attached)
- A metes and bounds survey of the area to be vacated may be required.

Per ORS 271.080, the area affected by the vacation of right of way includes the land lying on either side of the right of way to be vacated, and extending laterally to the next street that serves as a parallel street (not to exceed 200 feet), and the land on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted.

**BEND CODE CHAPTER 3.80
RIGHT OF WAY VACATION**

3.80.010 Policy. Vacation of public rights-of-way are not favored by the City. A person proposing a vacation has the burden of showing the vacation will serve the public interest.

3.80.030 Review of Petition.

- A. On receipt of a petition, the City Manager shall place the matter on the Council agenda for initial consideration. The City Manager may include a recommendation as to whether the Council should reject or deny the petition. If the recommendation is to reject the petition, notice to the petitioner shall be provided prior to Council's consideration of the matter. On initial consideration, the Council may accept the petition and require staff to process the petition, or reject the petition without consideration. Rejection may occur only after notice to the petitioner.
- B. If Council accepts the petition, it shall be reviewed by City staff for a determination of whether payment is appropriate to service the public interest and, if so, the amount of the payment. Staff shall notify all affected public utility companies of the petition. Any responses from the utility companies shall be included in the materials provided to Council at or prior to the hearing required by BC 3.80.050.

3.80.040 Review Standards and Guidelines

The standards and guidelines in this section are not intended to be exclusive. The City Council, in its sole discretion, on consideration of any factor it determines relevant, must determine whether or not a proposed vacation would be in the public interest.

- A. Right of way will not be vacated if it is in use for right of way purposes unless the vacation involves a trade of property and the creation of an alternate right of way that will be used in place of the existing right of way.
- B. Right-of-way will not be vacated if there is a reasonable possibility it will be used for right-of-way purposes at any time in the future, unless the potential future use can be preserved by an easement or other means.
- C. Right of way purposes include:
 - 1. Streets;
 - 2. Bike paths;
 - 3. Trails, paths or sidewalks;
 - 4. Public utilities.
- D. The City may consider the current use, if any, of the right of way in determining whether it should be vacated.
- E. The City may consider the history of the property proposed to be vacated, how it was acquired by the public, the cost of acquisition, current value, the benefit to any adjacent property to which the vacated property will be attached.

PETITION FOR VACATION OF PUBLIC RIGHT OF WAY

I _____, petition the City of Bend to vacate the following described area:

Include Map and Legal Description or append as EXHIBIT A

My address for notice purposes is:

Name

Address

City, State, Zip

The purpose for which the ground is to be used is:

The reason for the requested vacation is:

Print Name

Signature

Date

CONSENT FOR VACATION FROM PROPERTY OWNERS WITHIN AFFECTED AREA

I consent to the vacation of the property described as:

Include Map and Legal Description or append as EXHIBIT A

I understand that my consent is to be appended to and made a part of a petition presented for the vacation of the above described area.

I am the/an owner of the property described as _____.

Print Name

Signature

Date

**CONSENT FOR RIGHT OF WAY VACATION FROM
BEND FRANCHISE UTILITY PROVIDERS**

Area of requested Right of Way Vacation:

Include Map and Legal Description or append as EXHIBIT A

I understand that my consent is to be appended to and made a part of a petition presented for the vacation of the above described area.

As a Bend Franchise Utility provider, [Insert name of utility provider here]

- Does not have existing utilities within the area to be vacated.
- Has existing utilities within the area to be vacated.

As a Bend Franchise Utility provider, [Insert name of utility provider here]

- Consents to the vacation of this section of public right of way and does not require any easements within the area to be vacated.
- Consents to vacation of this section of public right of way but wishes to retain an easement for utilities within the area to be vacated. (Please attach description and details of any required easement.)
- Does not consent to the requested right of way vacation.

Print Name of Utility Provider Representative

Title

Signature

Date