

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 Adoption of a)
Vacation Procedure for Public &)
County Roads and Setting a Fee)

ORDINANCE NO. 110

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON, on the 26th day of May, 1976, Commissioners Colin Armstrong, Ted Lopuszynski and Morris Majors being present; on the 25th day of August, 1976, Commissioners Colin Armstrong and Morris Majors being present; and on the 8th day of September, 1976, Commissioners Colin Armstrong, Ted Lopuszynski and Morris Majors being present, sat for the transaction of County business, in regular session.

WHEREAS, the Yamhill County Board of Commissioners, hereinafter called the "Board", finds it necessary to establish a procedure for private citizens to initiate a proceeding to vacate public roads and County roads within the County, in the interest of efficient County government, and for the protection of the health, safety and welfare of the people of Yamhill County; and

WHEREAS, the Board has the authority to vacate public roads and County roads within the County pursuant to Chapters 271 and 368 of the Oregon Revised Statutes; and

WHEREAS, ORS 271.010(2) and ORS 368.565(1) authorize the County governing body to establish a filing fee and pursuant to ORS 203.035, NOW THEREFORE,

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

The following procedure be and hereby is adopted for a private citizen to initiate a proceeding to vacate all or part of any public road or County road within the County:

1. An application shall be made to the Yamhill County Department of Planning and Development, hereinafter called "Planning Department", on forms prescribed by the Planning Director together with a nonrefundable fifty dollar (\$50) filing fee.
2. The application shall be referred by the Planning Department for review and comment to the following departments:
 - a. County Surveyor
 - b. County Engineer
 - c. County Counsel
 - d. Any other Federal, State, or local jurisdictions as deemed appropriate.

3. The County Engineer and County Counsel, referred to in paragraph #2 above, upon receiving the application, shall respond within 10 working days. The County Surveyor shall be asked and encouraged to respond within 10 working days.
4. As soon as practicable after receipt of review and comment of all the departments referred to in paragraph #3 above, or at any time after 10 days have elapsed from the date said departments have received the application, the Planning Department shall cause the application to be placed on the agenda of the Board and the Board shall determine whether to initiate the appropriate statutory proceeding, or shall dismiss the application.
5. If the appropriate statutory proceeding is initiated, the Board shall establish a hearing date and shall collect through the Planning Department an additional nonrefundable filing fee of one hundred dollars (\$100) to help defray the costs of the proceeding. No notice shall be prepared as required by state law until the additional fee has been collected by the Planning Department. If the additional fee is collected too late to meet the requirements of notice under Oregon State Law, then the Planning Department shall notify the Board and the Board shall schedule a new date of hearing.
6. The Planning Department shall prepare the notice required under Oregon State Law with the necessary assistance from the County Surveyor, Engineer and Counsel.
7. The application shall then be referred by the Planning Department to the following agencies and departments for review and comment, to-wit:
 - a. County Surveyor
 - b. County Engineer
 - c. Rural Fire Protection District
 - d. Local Planning Advisory Committee
 - e. County Counsel
 - f. Adjacent Property Owners
 - g. Yamhill County Planning Commission
 - h. Other Federal, State, or Local Jurisdictions as deemed appropriate.
8. The County Engineer and County Counsel, referred to in Paragraph #7 above upon receiving the application, shall respond within 10 working days. All other departments referred to in Paragraph #7 above shall be asked and encouraged to respond within 10 working days.

ENACTED this 8th day of September, 1976, being the date of the second reading and first public hearing before the Board.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

WANDA CATT
County Clerk

Chairman

Colin Armstrong
/s/ Colin Armstrong

Patricia A. Mullen
Patricia A. Mullen
Deputy

Commissioner

Ted Lopuszynski
/s/ Ted Lopuszynski

APPROVED AS TO FORM:

Robert S. Willoughby
Robert S. Willoughby, Legal Counsel

Commissioner

Morris Majors
/s/ Morris Majors

Reading

Public Hearing

First

August 25, 1976

Second

September 8, 1976

September 8, 1976

Third

Vote

aye Colin Armstrong, Ted Lopuszynski and Morris Majors

nay _____

Recording Secretary

Patricia A. Mullen
Patricia A. Mullen

Date

September 8, 1976