

ORDINANCE NO. 4149

AN ORDINANCE PROVIDING PROCEDURES FOR VACATION OF STREETS AND ALLEYS.

THE CITY OF GRANTS PASS HEREBY ORDAINS:

Section 1: Definitions:

- a. "adjoining or abutting" means real property which touches, is contiguous to or in contact with a street or alley.
- b. "Owner" is a contract purchaser of real property or the owner of record thereof and shall include all said owners if there is more than one owner of any parcel of real property.

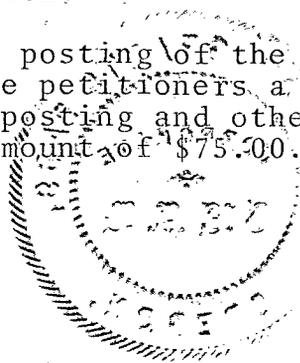
Section 2: Petition By Owner:

- a. Any owner of real property adjoining or abutting upon a street or alley, desiring to vacate all or part of said street or alley, may file a petition therefor setting forth the description of the ground proposed to be vacated, and the reason for such vacation.
- b. There shall be appended to such petition and as a part thereof and as a basis for granting the same, the consent of the owners of not less than three-quarters (3/4) of the property adjoining or abutting the portion of such street or alley which is proposed to be vacated. Said consent of the owners shall include all owners as defined hereinabove and the signature of said owners shall be in writing and duly acknowledged before an officer authorized to take acknowledgements of deeds.

Section 3: Filing of Petition: The said petition shall be presented to the City Manager, or such other city employee if so delegated by the City Manager, shall ascertain if the petition is sufficient pursuant to the terms of this ordinance. If the petition is sufficient, the City Manager shall place the matter on the agenda of the Council for hearing not later than forty-five (45) days after the filing of the petition.

Section 4: Notice of Hearing: Notice of the petition and Council hearing shall be given by publishing notice thereof once in a newspaper of general circulation in the city, said publication to be not more than twenty-five (25) nor less than ten (10) days prior to the hearing date. A copy of said notice shall be mailed to the owner of each parcel adjoining or abutting the street or alley, or part thereof, to be vacated and a single mailing is sufficient for a property if addressed to all owners of any such parcel of real property, and the notice shall be mailed not more than 25 nor less than 10 days prior to the date of hearing by the Council. Nor more than 25 and not less than 10 days before the hearing two notices shall be posted at the proposed vacation site and if possible, the notices shall be posted one at each end of the proposed vacation. The notices shall describe the portion of the street or alley affected by the petition, give the date it was filed, the name of all the petitioners, and the date and time when the petition will be heard and considered by the Council, and information that objections may be filed with the Finance Director in writing until 5:00 o'clock P.M. of the day of said Council hearing and that oral or written objections may be submitted to the Council at the time of its hearing upon said petition.

Section 5: Prior to mailing, publication or posting of the notice, the Finance Director shall obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses, which sum shall be in the amount of \$75.00.



Section 6: Hearing and Determination: At the time fixed for hearing upon the petition, or at any postponement or continuance of such matter, the Council shall hear the petition and objections and determine whether the consent of not less than three-quarters (3/4) if all owners of the property adjoining or abutting upon the street or alley proposed to be vacated has been obtained and whether the public interest will be served by said vacation. Failure of an owner to object to said vacation shall constitute consent of said owner to the vacation. If such matters are determined in favor of the petition, the Council shall, by ordinance, make such determination a matter of record and vacate the portion of the street or alley proposed to be vacated, or all thereof if such is proposed; and otherwise the Council shall deny the petition. The Council may upon hearing grant the petition in part and deny it in part and make such reservations, or either, as appear to be for the public interest. Such reservations, if any, include but are not limited to those for preservation or utility easements and the like.

Section 7: Vacation on Council's Own Motion: The Council may initiate vacation proceedings upon its own motion provided that the Council shall set a time and place for hearing thereupon, shall have notice given pursuant to Section 4 hereinabove, and no such vacation all or in part shall be granted if one-quarter (1/4) of the owners of the property adjoining or abutting said street or alley or portion thereof to be vacated object thereto, in writing or in person at said hearing. Failure of an owner to object to said vacation shall constitute consent of said owner to the vacation. The hearing and determination on such petition shall be as set forth in Section 6 above.

Section 8: Joinder: Two or more streets or alleys or parts thereof may be joined in one petition or in one Council hearing provided such streets or alleys intersect each other.

Section 9: Title to Vacated Areas: The title to the street or alley vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been initially 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 or alley area which lies on each side of such boundary line shall attach to the abutting property on such side.

Section 10: Filing of Vacation Records and Costs: A certified copy of the ordinance vacating any street or alley or part thereof shall be filed for record with the Josephine County Clerk and the cost thereof shall be one of the costs paid for by the petitioners from the fee required pursuant to Section 5 above. A certified copy of any such ordinance shall also be filed with the Josephine County Assessor and Josephine County Surveyor.

Section 11: Computation of Fraction: The computation of any three-quarters (3/4) or one-quarter (1/4) fraction to be made for the purposes of this ordinance and pertaining to property owners shall be computed on a lineal foot basis.

Section 12: Multiple Owners of a Single Parcel: If there is more than one owner of a single parcel of property adjoining or abutting a proposed vacation, the objection of a majority of said owners to said proposed vacation shall constitute full and ample objection for said property whether or not any other owner of said property consents to said vacation.

Section 13: Severability: If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the Council of the City of Grants Pass this 16th day of March, 1977.

SUBMITTED TO AND Approved by the Mayor of the City of Grants Pass, Oregon this 16th day of March, 1977.

ATTEST:

J. W. Anderson

Robert W. Lovelace
Mayor

Finance Director