



# Road Easement Vacation Instructions

A road easement vacation removes a public right of way easement from the property of the adjoining owners. It is the County's duty to ensure that vacating a public easement is in the public's interest. The County protects the public's interest by following guidelines prescribed in the Oregon Revised Statutes 368.326 through 368.366 and Clackamas County Code 7.03.095. The ORS and Clackamas County Code are online.

## APPLICATION REQUIREMENTS:

- Meet with County Staff.** Prior to starting the process of applying for a road vacation **please call 503-742-4691** to discuss the submittal process.
- Obtain adjoining owner support.** Gaining the adjoining property owners' support is essential to a successful road vacation. These owners may be required to sign the Petition for Road Easement Vacation and sign and notarize the Consent to Vacate. The applicant can inform the adjoining owners by mail, meetings, and/or by communicating door to door.
- Road Vacation Application form.** Fill out this form and turn it into the Department of Transportation and Development, Transportation Engineering Division. If you have questions, please call Engineering at 503-742-4691.
  - If the road is not named, fill in "unnamed".
  - The township, range, section and tax lot numbers can be found in your property deed description, by CMap which can be located at this link: <http://cmap.clackamas.us/>, or by the assistance of county staff.
  - County road numbers and Department of Transportation & Development Maintenance numbers' can be obtained from Engineering or the County Surveyors office.
- Consent to Vacate form.** This form must be completed by all of the affected abutting property owners. Return it to the Department of Transportation and Development, Transportation Engineering Division. If you have questions please call Engineering at 503-742-4691.
  - Submit signatures, acknowledged by a notary, of all abutting property owners.
- Petition for Vacation form.** Fill out this form and turn it into the Department of Transportation and Development, Transportation Engineering Division. If you have questions please call Engineering at 503-742-4691.
  - Examples of justification for vacating a road may be that it is a landlocked strip and does not connect to a public road, or is at the end of the dead end road and is surrounded by properties that have other public access.
  - Please be sure to complete the Petition on both sides with all of the abutting property owners' names, addresses and tax lot numbers, including the applicants' information.
  - Describing the road or a portion thereof can be simplified by referring to the tax map and the tax lots that adjoin the road to be vacated. *Example* : All of that portion of a street lying north of tax lots 200 & 300 in the northeast quarter of section 20, township 3 south, range 2 east.
  - If the road is in a legal subdivision write the subdivision name, the lot number(s) and block number (if applicable) of those lots(s) adjoining the road portion to be vacated.
- Petition for Vacation form page 2.** Signatures of 100 percent of abutting owners may preclude the necessity for a public hearing as required by ORS 368.346. (See ORS 368.351)
- Application fee.** Application fee. A preliminary feasibility of **\$250** is due at the time of the initial submittal. **A 50% deposit of the estimated costs** is due upon the full application submittal. Any remaining balance is due once the application and hearing document review is complete.
- Application process.** Acceptance of the application and related forms and exhibits is subject to approval by County staff and in rare instances, the Board of County Commissioners before the vacation process can proceed. **( Timeline: 5-7 weeks from completed application )** .
  - At the conclusion of the vacation process, the County will not provide legal descriptions for areas of vacation on private parcels, nor will the County provide guarantee of title to the vacated areas.





# Consent to Vacate

THIS CONSENT TO VACATE SHALL BE SUBMITTED WITH THE ROAD VACATION APPLICATION AND PETITION TO VACATE.

I, \_\_\_\_\_  
(Print Owner(s) Name or Trustee(s))

property owner of \_\_\_\_\_  
(Situs Street Address)

\_\_\_\_\_  
(City) (State) (Zip Code)

\_\_\_\_\_  
(Mailing Address) (if different from situs address)

\_\_\_\_\_  
(City) (State) (Zip Code)

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

being the owner of real property adjoining \_\_\_\_\_  
(Name of Road to be Vacated)

and with said real property described as:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot \_\_\_\_\_

do hereby state that I have read the attached petition and consent to the vacation of the aforementioned road or portion thereof.

\_\_\_\_\_  
(Owner or Trustee Signature)

STATE OF \_\_\_\_\_ )  
 ) ss.

County of \_\_\_\_\_ )

This instrument was signed and attested before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_  
by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



# Road Easement Vacation Application

THIS APPLICATION SHALL BE SUBMITTED WITH THE CONSENT TO VACATE AND PETITION TO VACATE.

## ROAD INFORMATION

Road Name:

Road Location: T \_\_\_\_\_ R \_\_\_\_\_ SECTION \_\_\_\_\_ TAX LOT(S) \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Road Designation:  County  Local Access Road Number: \_\_\_\_\_

Surface Type:  None  Trail  Gravel/Dirt  Asphalt

Is the Road Inside an Incorporated City?  Yes  No

## FEES

WHEN A REQUEST TO VACATE A ROAD RIGHT OF WAY IS PROCESSED IN ACCORDANCE WITH ORS 368.326 TO 368.426, THE FEE SHALL BE:

Road Vacation Fees	Preliminary Feasibility	<b>\$250 (due at initial submittal)</b>
	Application Review & Processing	<b>Actual Costs (a 50% deposit of estimated costs is due after the feasibility review is completed and the submittal of the consent and vacation forms are submitted. The remaining balance is paid after staff has completed the review.)</b>

\*Applicant shall provide all completed documents which may require the applicant to employ land use attorneys, surveyors, title companies, and/or professional services as necessary to submit completed forms and exhibits.

## APPLICANT INFORMATION

Owner Name:

Property Address: City/State/ZIP:

Mailing Address: City/State/ZIP:

Phone: ( ) Fax: ( )

Email:

County staff must view the road right-of-way prior to the applicant completing the road vacation forms. Is the applicant willing to allow County staff on to the private property to do the inspection?

Yes  No

*I hereby submit this application as the applicant, the representative of the applicant, or property owner(s)*

Signature:

Print Name: Date:



# Petition for Road Easement Vacation

**THIS PETITION FOR ROAD VACATION SHALL BE SUBMITTED WITH THE ROAD VACATION APPLICATION AND CONSENT TO VACATE.**

In the Matter of the Vacation of Road Name:

Clackamas County Road Number:

Department of Transportation & Development Maintenance Number:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_

I, \_\_\_\_\_ being a fee holder or an abutting property owner of record as shown in the Deed Records of Clackamas County, of the property sought to be vacated, do hereby petition to vacate \_\_\_\_\_ more particularly described as follows:

(Street Name)

*(attach description if necessary)*

The particular circumstances that justify granting a vacation of the described property are:

*(attach extra page if necessary)*

A petition for vacation of public lands under ORS 368.326 to 368.366 will not be accepted for processing by Clackamas County if the proposed vacation will deprive an owner of a recorded property right of access necessary for the exercise of that property right unless the county governing body has the consent of the owner.

