

ORDINANCE NO. 2748**AN ORDINANCE SETTING STANDARDS AND PROCEDURES FOR THE VACATION OF PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF BAKER.**

BE IT ORDAINED BY THE CITY OF BAKER:

SECTION 1. The following are hereby established as standards governing the vacation of public right-of-way within the City of Baker.

- a. The right-of-way is not needed for access to abutting properties.
- b. The right-of-way is not necessary for proper traffic circulation at present or in the foreseeable future.
- c. The right-of-way is not necessary for current or foreseeable utility routing.
- d. The vacation is not in conflict with the Comprehensive Plan.

SECTION 2. Petition forms for proposed vacations may be obtained from the planning department at city hall and shall be filed with the City Recorder completed with the following information:

- a. A map of the area showing the right-of-way proposed to be vacated and the affected area.
- b. The purpose of the vacation.
- c. The notarized consent of all property owners abutting the portion of right-of-way to be vacated.
- d. The consent of all utility companies operating within the city limits.
- e. The consent of the City of Baker engineering department, which shall give such consent only after considering the effect of such vacation on traffic patterns and city-owned utilities.
- f. The consent of the Chiefs of Police and Fire Departments.

SECTION 3. After the filing of the aforesaid petition the City Recorder shall cause a copy thereof to be forwarded to the secretary of the City of Baker Planning Commission. The Planning Commission shall hold a public hearing within 45 days after receipt by the secretary of a copy of the petition for the purpose of hearing comments for and against said petition and evaluating the pertinent facts and circumstances of the specific request.

The Secretary of the Planning Commission shall cause written notice of the public hearing to be sent by certified mail, return receipt requested, as least 10 days before the hearing, to all persons owning property within 250 feet of the portion of right-of-way proposed to be vacated. The secretary shall further cause notice of the hearing to be published in a newspaper of general circulation in the City of Baker once each week during the two weeks immediately preceding the hearing.

SECTION 4. After the public hearing has been held, the secretary of the Planning Commission shall forward any recommendation of the Commission to the City Recorder for presentation to the City Council at its next regular meeting.

SECTION 5. The City Council may then proceed to grant the petition by passing an appropriate ordinance, or deny the petition, or grant any lesser degree of closure, if acceptable to the petitioner. The council may also impose any conditions on the vacation that it may deem necessary in order to properly adapt the former right-of-way to private use.

SECTION 6. Nothing contained herein shall prevent the City Council from initiating a vacation on its own motion.

SECTION 7. The fee for filing for a vacation shall be set by council resolution.

SECTION 8. If a vacation is granted, the title to the property involved shall vest in the abutting owners as provided by state law.

SECTION 9. Repeal. Ordinance No. 2401 is hereby expressly repealed.

SECTION 10. Emergency Clause. It is hereby determined and found that it is in the best interest and welfare of the people of the City of Baker, Oregon, that the herein above standards and procedures for the vacation of the city streets be adopted and enforced within the City of Baker. And it being necessary for the immediate preservation of the public peace, health, safety, an emergency is declared to exist, and this ordinance

shall take effect immediately upon its passage by the City Council and approval of the Mayor of the City of Baker, Oregon.

PASSED by the City Council and APPROVED by the Mayor of the City of Baker, Oregon, this 11th day of October, 1977.