

ORDINANCE NO. 2749**AN ORDINANCE SETTING STANDARDS AND PROCEDURES FOR THE TEMPORARY CLOSURE OF PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF BAKER.**

BE IT ORDAINED BY THE CITY OF BAKER:

SECTION I. The following are hereby established as standards governing the temporary closure of city right-of-way:

- a. The contemplated closure will not deny or unduly restrict access to abutting properties.
- b. The right-of-way is not necessary for proper traffic circulation.
- c. The closure and subsequent use will not significantly hamper utility placement.
- d. The closure is not in conflict with the comprehensive plan.

SECTION 2. Petitions obtained from the City Planning Department requesting temporary closure of right-of-way shall be filed with the City Recorder completed with the following information:

- a. A map of the area showing the portion of right-of-way proposed to be closed.
- b. The reason for the closure.
- C. The time period the closure is to be in effect.
- d. The consent of any utility company as the city engineering staff determines might be affected.
- e. The consent of the City of Baker engineering department, which shall give such consent only after considering the effect of such closure on city owned utilities and traffic patterns.
- f. The consent of the chiefs of the police and fire departments, if determined necessary by the City's Planning staff.

SECTION 3. After the filing of the aforesaid petition the City Recorder shall present the request for closure to the Council for their consideration. The completed petition must be filed with the City Recorder no later than noon Thursday prior to the council meeting at which it would be considered.

SECTION 4. The City Council may, at its discretion, prior to consideration of the request, cause further notice to be made, request additional information, require consents to be obtained, refer the matter to the Planning Commission for their recommendation, or call for a public hearing.

SECTION 5. The City Council may then proceed to grant or deny the petition on its motion or by passage of an appropriate Resolution or to grant any lesser degree of closure if agreeable to the petitioner. The Council may also impose any conditions on the closure that it may deem appropriate in order to adapt the right-of-way to private use, for whatever length of time.

SECTION 6. The petition, once granted, takes the form of a revokable permit, the time frame of which is defined and no expenditure of money, lapse of time, or other act shall operate as an estoppel against the City of Baker, or be held to give the grantee any vested or other right in the public right-of-way temporarily closed.

SECTION 7. Nothing contained herein shall prevent the City Council from initiating a street closure on its own motion.

SECTION 8. The fee for filing for a street closure shall be set by Council resolution. This fee may be waived at the discretion of the City Council.

SECTION 9. 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 temporary closure or vacation of city streets be adopted and enforced within the City of Baker. And it being necessary for the immediate preservation of the public peace, health and 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.