



Planning Division  
City of Bend  
(541) 388-5580  
planning@bendoregon.gov  
710 NW Wall Street, Bend OR 97703

This submittal form is to be completed as part of your application with the City of Bend. *Download this form before completing fillable fields*, then upload with your application through the Online Permit Center at [www.bendoregon.gov/permitcenter](http://www.bendoregon.gov/permitcenter).

## VACATION OF RIGHT-OF-WAY APPLICATION

Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_  
Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Submittal Requirements

A pre-application meeting is required prior to submittal of this application.  
All plans must be submitted electronically through the Online Permit Center.  
The petition shall contain the information required by state law, and:

- The attached form, completed and signed.
- An appraisal of the property to be vacated by Certified General Appraiser
- A title report showing ownership of the properties abutting the area proposed to be vacated and in the affected area; and
- A tax map showing the area proposed to be vacated and the affected area.
- Identify any existing utility facilities within the area to be vacated. Utilize the “Call 811 Before You Dig” service to verify location and types of utilities that may be present.
- A signed form from each Franchised Utility listing whether they have utilities within the area to be vacated and whether they consent to the requested vacation. (Form attached)
- Signed consent forms from the owners of all abutting property, and of not less than two-thirds of the owners in the area affected by the right-of-way vacation. One form is required for each property owner with the affected area. (Form attached)
- A metes and bounds survey of the area to be vacated may be required.

Per ORS 271.080, the area affected by the vacation of right-of-way includes the land lying on either side of the right-of-way to be vacated, and extending laterally to the next street that serves as a parallel street (not to exceed 200 feet), and the land on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted.



#### Accommodation Information for People with Disabilities

To obtain this information in an alternate format such as Braille, large print, electronic formats, etc. please contact the Planning Division at [planning@bendoregon.gov](mailto:planning@bendoregon.gov) or (541) 388-5580; Relay Users Dial 7-1-1.

## **Bend Code Chapter 3.80**

### **Right-of-Way Vacation**

**3.80.010 Policy.** Vacation of public rights-of-way are not favored by the City. A person proposing a vacation has the burden of showing the vacation will serve the public interest.

#### **3.80.030 Review of Petition.**

- A. On receipt of a petition, the City Manager shall place the matter on the Council agenda for initial consideration. The City Manager may include a recommendation as to whether the Council should reject or deny the petition. If the recommendation is to reject the petition, notice to the petitioner shall be provided prior to Council's consideration of the matter. On initial consideration, the Council may accept the petition and require staff to process the petition, or reject the petition without consideration. Rejection may occur only after notice to the petitioner.
- B. If council accepts the petition, it shall be reviewed by City staff for a determination of whether payment is appropriate to service the public interest and, if so, the amount of the payment. Staff shall notify all affected public utility companies of this petition. Any responses from the utility companies shall be included in the materials provided to Council at or prior to the hearing required by BC 3.80.050.

#### **3.80.040 Review Standards and Guidelines**

The standards and guidelines in this section are not intended to be exclusive. The City Council, in its sole discretion, on consideration of any factor it determines relevant, must determine whether or not a proposed vacation would be in the public interest.

- A. Right-of-way will not be vacated if it is in use for right-of-way purposes unless the vacation involves a trade of property and the creation of an alternate right-of-way the will be used in place of the existing right-of-way.
- B. Right-of-way will not be vacated if there is a reasonable possibility it will be used for right-of-way purposes at any time in the future, unless the potential future use can be preserved by an easement or other means.
- C. Right-of-way purposes include:
  - 1. Streets
  - 2. Bike paths
  - 3. Trails, paths or sidewalks
  - 4. Public utilities
- D. The City may consider the current use, if any, of the right-of-way in determining whether it should be vacated.
- E. The City may consider the history of the property proposed to be vacated, how it was acquired by the public, the cost of acquisition, current value, and the benefit to any adjacent property to which the vacated property will be attached.



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### Petition for Vacation of Public Right-of-Way

I, \_\_\_\_\_, petition the City of Bend to vacate the following described area (Include Map and Legal Description or append as EXHIBIT A):

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My address for notice purposes is:

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
City State ZIP

The purpose for which the ground is to be used is:

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The reason for the requested vacation is:

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\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



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## Consent for Vacation from Property Owners within Affected Area

I consent to the vacation of the property described as (Include map and Legal Description or append as EXHIBIT A):

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I understand that my consent is to be appended to and made a part of a petition presented for the vacation of the above described area.

I am the/an owner of the property described as \_\_\_\_\_

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



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### Consent for Right-of-Way Vacation from Bend Franchise Utility Providers

Area of requested Right-of-Way Vacation (Include Map and Legal Description or append as EXHIBIT A):

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I understand that my consent is to be appended to and made a part of a petition presented for the vacation of the above described area.

As a Bend Franchise Utility provider, [ \_\_\_\_\_ ]  
Name of utility provider

- Does not have existing utilities within the area to be vacated
- Has existing utilities within the area to be vacated

As a Bend Franchise Utility provider, [ \_\_\_\_\_ ]  
Name of utility provider

- Consents to the vacation of this section of public right-of-way and does not require any easements within the area to be vacated.
- Consents to vacation of this section of public right-of-way but wishes to retain an easement for utilities within the area to be vacated (Please attach description and details of any required easement).
- Does not consent to the requested right-of-way vacation.

\_\_\_\_\_  
Print Name of Utility Provider Representative

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



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