

Why and How does the City Vacate Public Right-of-Way?



Street Vacation Process

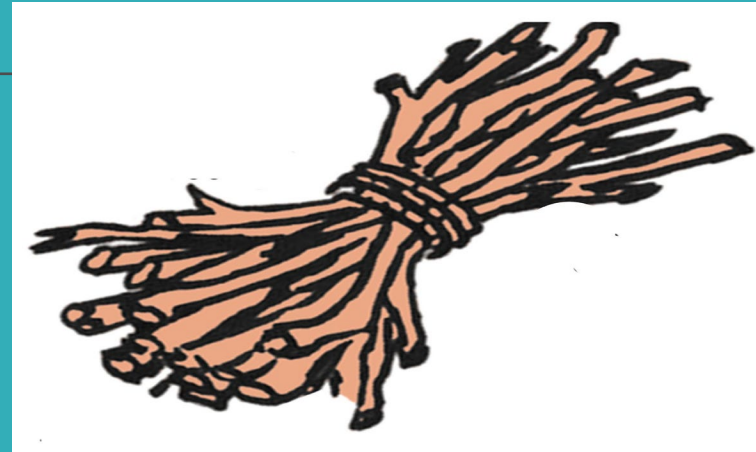
September 12, 2023

Staff presenting: Lance Lindahl, Right-of-Way Agent III

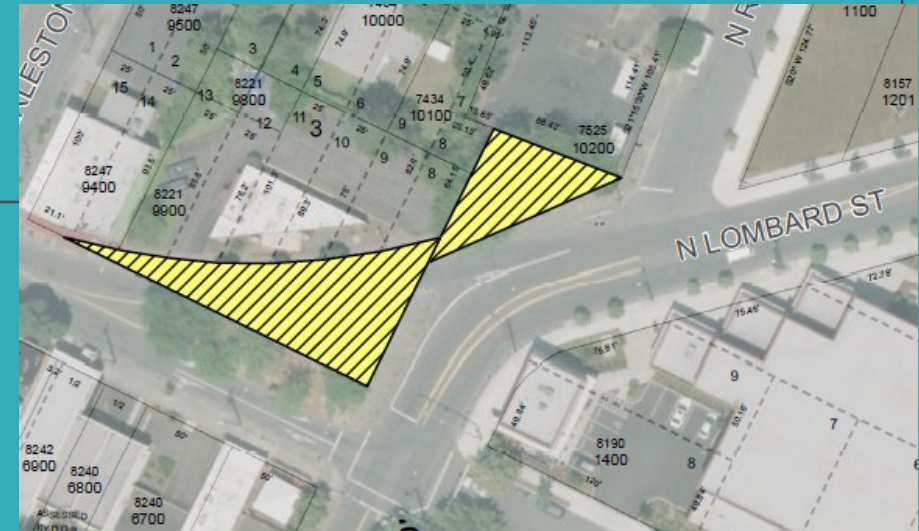
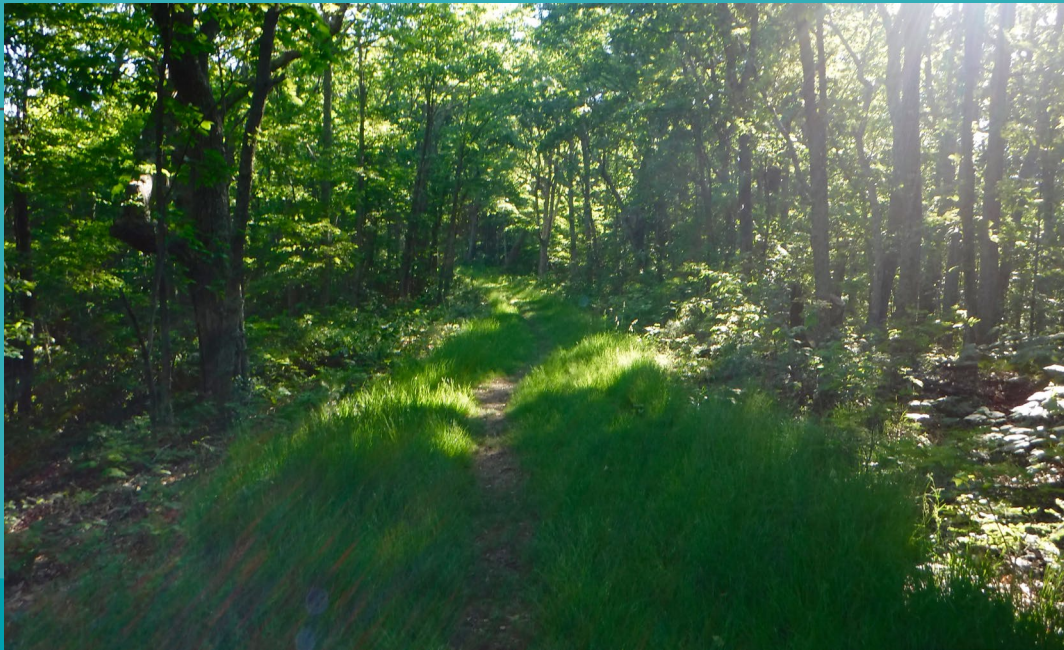


PBOT
PORTLAND BUREAU OF TRANSPORTATION

- The purpose of a street vacation is to extinguish the public's interest in street right-of-way or "Street Area".
- The City does not 'own' the Street Area in fee-title, but rather has an all encumbering easement leaving the property owner with 1 remaining stick in the 'bundle of rights' – the right of reversion.



- Many streets are what we call ‘paper’ streets and most likely will never be paved and fully improved.
- Some streets are no longer needed due to a change in subdivision plans or a change to zoning.
- The realignment of some street segments can improve safety and/or traffic efficiency.



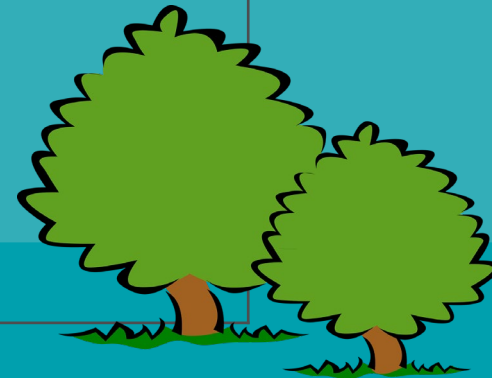
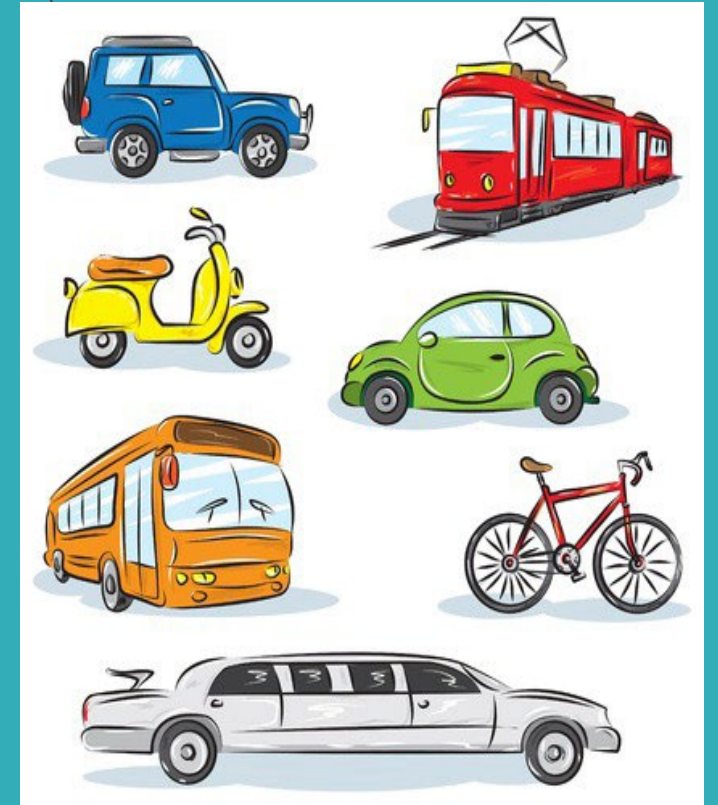
- **The Street Vacation Process is governed by:**
- State Statute ORS Chapter 271.080 thru 271.230
- City Code 17.84.010 thru 17.84.065
- City Charter Section 1-104

“City may vacate Street Area if such vacation would not interfere with reasonable access to waterfront or any transportation terminal”



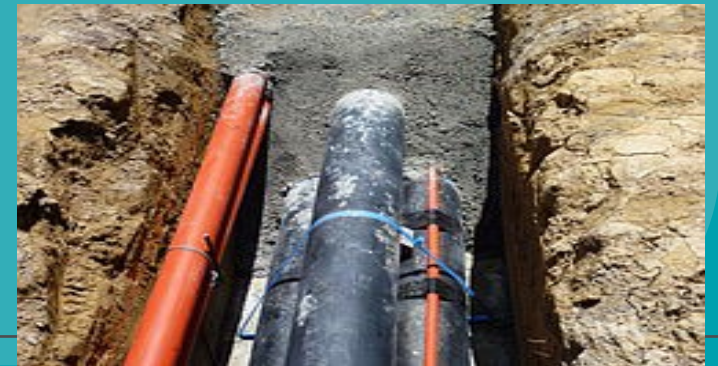
Title 17.84.025 Approval Criteria:

1. The area proposed to be vacated is not needed presently, and is not identified in any adopted plan for public services, transportation functions, utility functions, stormwater functions, view corridors and/or viewpoints, tree planting or retention, pedestrian amenities, or community of commercial uses.



Title 17.84.025 Approval Criteria:

2. The vacation does not prevent the extension of, or the retention of public services, transportation functions, utility functions, stormwater functions, view corridors and/or view points.
3. Public services, transportation functions, or utilities can be extended in an orderly and efficient manner in an alternate location.



Title 17.84.025 Approval Criteria:

4. The vacation does not impede the future best use, development, or access to abutting property.



Title 17.84.025 Approval Criteria:

5. The area of vacation is not presently, or will not in the future be, needed as part of an interconnected system of public streets that is generally consistent with the street connection and bicycle/pedestrian spacing requirements in section 17.88.040 Through Streets. (530 ft for streets & 330 ft for peds/bikes)



Policy 9.47, Connectivity:

Establish an interconnected, multimodal transportation system to serve centers and other significant locations. Promote a logical, direct, and connected street system through street spacing guidelines and district specific street plans found in the Transportation System plan, and prioritize access to specific places by certain modes in accordance with policies 9.6 and 9.7.



- An Early Assistance Review (EA) is required for all STV requests.
- The EA gives the Petitioner a 'snapshot' of the level of support the City Bureaus might have of the request and what type of conditions they might require if they support the request.
- An EA can be waived if there are no development plans and no known City water or sewer lines within the Street Area.

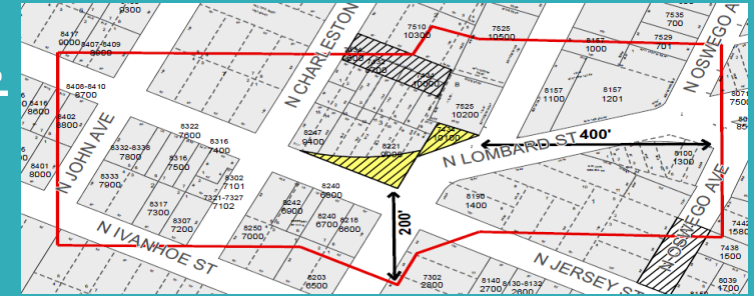


There are 2 types of Street Vacation Petitions:

- City Initiated and Non-City Initiated.

For Non-City Initiated:

- The Petitioner must obtain signatures of all abutting property owners and 2/3rd of a surrounding area as determined by ORS 271.080.
- Once completed, the petition is then reviewed for accuracy and certified.



For City Initiated Street Vacations:

ORS allows the City to initiate the vacation without a petition. Since signatures of neighbors are not required, notice is required to be mailed to the abutting property owners and those in the surrounding area to inform them of the public hearing before City Council.



Once the petition is certified OR when the City initiates a vacation, a formal investigation is done:

- Notices are sent to City Bureaus, Public Agencies like ODOT and TriMet, Public Utilities such as PGE and Comcast, and Neighborhood and Business Associations requesting comments (typically 30 days).
- City Bureaus conduct an in-depth review and determine what conditions, if any would be required should the petition be approved by City Council.
- Bureaus can also recommend denial.



When all responses have been received, a hearing before Planning Commission (PC) is requested.

- The PC reviews the request and makes recommendations to City Council of approval, approval with added conditions, or denial.
- Although not required by ORS or City Code, a public notice is sent out to all abutting property owners and those in the surrounding area informing them of the PC hearing date and time.

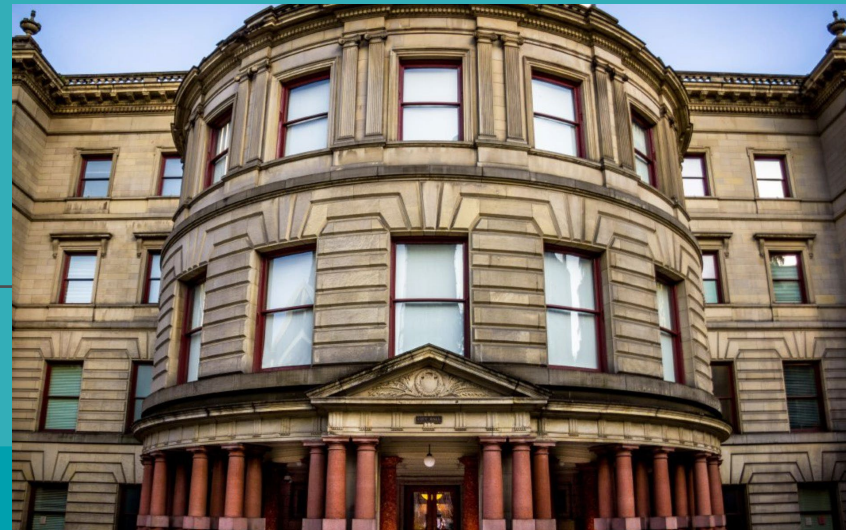


- Once the vacation request has been heard by the PC, the Bureau Director Report is drafted compiling all the findings from the formal investigation and any recommended conditions by the PC. The Report serves as PBOT's official report and recommendation to City Council.



Going before City Council:

- A public hearing is then scheduled to present the request to City Council.
- The Street Area is posted with notice of the hearing and an announcement is published in the Daily Journal of Commerce.
- City Council may approve, amend, or deny the vacation request.
- 4/5 vote of the Members is required.



Recording of the Ordinance:

If the vacation request is approved by City Council, the following is required to be completed:

- All adopted conditions of approval must be met.
- 30 days must pass per ORS 271.
- Costs to process the vacation request must be paid (currently staff time including overhead and not for the street itself).



When the ordinance is recorded:

- The property reverts to private ownership, typically split down the middle of the road but not always. It depends on how the street was created and what parcel it came from.



TAXES:

Once the Street Area reverts to private ownership, the area is added to the tax rolls and property owners begin paying taxes, unless exempt.



Here is an example of a street vacation that benefited the public through commercial redevelopment.



Here is a before and after picture of N Lombard Street looking west in downtown St Johns. A highway era slip lane was removed for increased pedestrian safety.



Before



After



That's all Folks!