



Vacation of Public Lands

There is one primary statute and one primary code which establish Vacation procedures in Lane County. They are ORS 368.326-368.366, and Lane Manual Chapter 15.300-15.305.

We currently have two ways a Vacation can be initiated, one by *Resolution*, and the other by *Petition*. A county governing body who owns the property initiates by Resolution, while the public that has ownership, Petitions the governing body to Vacate.

Both ways are legally bound to follow the statutory and code procedures. The County Surveyor's Office is responsible to advise and shepherd Vacations through the process.

A public hearing is not required by statute for a Vacation which has 100% of the abutting landowner's signatures on the Petition. However, 100% of the abutting owners may only be one person and is not always considered by the Board to be a majority in favor. If there is less than 100%, but more than 60% of the abutting owners on the Petition, there must be a public hearing before the Board of County Commissioners. Less than 60% fails to advance as a Petition.

Today the number one question a petitioner must answer to have any chance at success in vacating a roadway is "Why is this in the Public Interest?" "Adding land back into the tax role" is not a reason which satisfies the Board, although there may be some value to this answer. "A county is under no obligation to vacate a road right-of-way or other property held for public use, even if all owners of abutting land seek the vacation." (AOC Road Manual Chapter 7).

The Board of County Commissioners has the ultimate decision when it comes to the "Public's Interest." Commissioner Dwyer has commented "there is much more to the public's interest than money"; the decision of public interest may take on several meanings.

There are reasons a proposed Vacation should not be allowed. A few examples are: when a Vacation would remove access to other public lands; removing access to a beach, ocean or stream; or denying legal access to private ownership creating a landlocked parcel.