

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending the Fees and)
Procedures for Vacations of Public) **ORDER NO. 55-2001**
Property and Repealing Order No. 96-93)
_____)

WHEREAS, ORS 368.326 through 368.426 governs the process for vacating county property, and such process generally demands extensive use of county staff time and resources; and

WHEREAS, ORS 368.341(4) provides that the county governing body may require a fee for the filing of a petition under ORS 368.341, and ORS 368.356(2)(c) allows the county to further collect for any costs resulting from an approved vacation; and

WHEREAS, on April 21, 1993, the Board of County Commissioners for Columbia County, Oregon, adopted Order No. 96-93 which, among other things, established vacation procedures and a fee/cost schedule; and

WHEREAS, in 1999 the County retained a consultant to conduct a user fee study, the results of which indicated that the cost to the Road Department, alone, to conduct the review and on-site inspection needed on each vacation request was an average of \$543; and

WHEREAS, the statutory procedure involved in processing vacations additionally requires considerable time by County staff from other Departments, including the Office of County Counsel, Land Development Services, the County Assessor's Office and the County Clerk's Office; and

WHEREAS, it has been the experience of County staff in processing numerous vacation requests over a several-year period that, on occasion, complexities or controversies may arise which require County staff to expend nearly twice the amount of time normally spent on a vacation procedure; and

WHEREAS, in addition to the above, costs are incurred by the County Clerk's office for the required filing of a petition for vacation, said filing fee currently being \$28.50, and an additional charge by the County Surveyor of \$30.00 per parcel to review and approve the legal description of the property proposed for vacation, when necessary; and

WHEREAS, when a vacation is approved, the County Clerk's office is also required, by statute, to charge the following relevant fees:

Recording final documents	\$26.00 for the first page \$5.00 each additional page
Certification of Final Order [One for Assessor, One for Surveyor]	\$3.75 per copy plus \$00.25 per page

said fees subject to statutory or other authorized change; and

WHEREAS, when a vacation is approved, the County Surveyor is also required to post the approved vacation, at the cost of \$45.00 per parcel; and

WHEREAS, the reimbursable costs set forth herein for the County Clerk and the County Surveyor are fees which are currently required by statute or other authority, which are subject to change; and

WHEREAS, it is the intent of the Board that any statutory or other authorized change in these fees shall automatically be effective without further order by the Board; and

WHEREAS, it is in the public interest to collect for all fees and costs incurred by the County in processing requests to vacate county property; and

WHEREAS, circumstances may arise whereby a refund of a portion of the fee accompanying a Petition for Vacation is warranted, and it is most efficient to allow County Counsel to approve or deny such request without obtaining approval from the Board of Commissioners;

NOW, THEREFORE, IT IS HEREBY ORDERED, as follows:

1. The "Instructions for Vacation of County Property (Rev Jun 2001)" and "Petition for Vacation (Rev Jun 2001)", attached hereto, labeled Exhibits "A" and "B" respectively, and incorporated herein by this reference, are adopted as Columbia County's procedures for processing vacation petitions.
2. Consistent with those Instructions and Petition, the fee required for the filing and subsequent administration of a petition for vacation of county property shall be a \$1,000 non-refundable fee, to be paid at the time of filing a Petition for Vacation.
3. The County Treasurer is directed to immediately deposit \$500 of the \$1,000 fee paid into the County Road Fund.
4. The remaining \$500 is to be deposited into the General Fund account established for this purpose – Fees for Services, Road Vacations, Line Item No. 100-00-00-3255.
5. From the \$500 deposited into the General Fund, the County Clerk shall be reimbursed the filing fee of \$28.50.
6. Should a vacation be approved, the final order approving the vacation shall include a schedule setting forth the additional costs incurred by the County Clerk and the County Surveyor and directing the Treasurer to reimburse the County Clerk and County Surveyor for these costs out of the \$500 deposited into the General Fund Line Item No. 100-00-00-3255.
7. Any statutory or other authorized change in the fees required to be charged by the County Clerk and/or the County Surveyor shall concurrently effect the amounts to be distributed to the Clerk and/or the Surveyor without further order.
8. Should the petitioners fail to have submitted the consent of 100 percent of interested

property owners as required by ORS 368.351, and/or the Public Works Director determines vacation is not in the public interest, and the petitioner elects to proceed to a public hearing, or if the vacation process has been unusually complex or controversial, the Board may enter an order requiring the payment of additional fees.

9. Should the petitioner(s) believe a refund of a portion of the vacation fee is justified, the following steps shall be followed:

(a) A written request from the petitioner[s] on the form approved by and obtained from County Counsel which sets forth the name, address and phone number of the petitioner[s] to receive any refund, the amount of refund being requested, and the reason(s) for which a refund is felt to be justified shall be delivered to County Counsel.

(b) County Counsel shall advise the petitioner(s), in writing, of the approval or denial of any refund request and, if denied, the reasons therefore.

(c) If approved, County Counsel shall note approval, to include the date and amount of refund, on the approved form and forward the form to the Columbia County Treasurer, who is authorized to refund the amount of vacation fees approved on the form without further approval of the Board of Commissioners.

(d) The County Counsel may choose to refer refund requests to the Board of Commissioners.

(e) If County Counsel denies a refund request, the person requesting a refund may appeal to the Board of Commissioners for redress; the decision of the Board is final.

(f) The Treasurer shall keep records of all refunds issued in accordance with all legal requirements.

10. The provisions of this Order shall be in effect for all Petitions for Vacation filed on or after August 1, 2001.

11. Order No. 96-93 is repealed.

Dated this ____ day of July, 2001.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: _____
Chair

By: _____
Office of County Counsel

By: _____
Commissioner

By: _____
Commissioner