



Klamath County - Public Works Department

ROAD DEPARTMENT • WEED CONTROL DIVISION
305 MAIN STREET • KLAMATH FALLS, OREGON 97601
(541) 883-4696 • FAX (541) 882-3046

Vacating Roads and Streets

Introduction

A public area or a public interest in an area under county jurisdiction (county maintained road or local access road) may be vacated when a county governing body determines the public use is no longer required and that discontinuance of public usage would be in the public's interest. There are many possible reasons for this action. Additionally, it is critical that the vacation does not eliminate legal access to any property.

Who vacates a road?

Roads under Klamath County jurisdiction can only be vacated by order of the Klamath County Board of Commissioners. The process may be started by the county or by a petition filed by a minimum of 60% of the abutting property owners. The petitioners shall follow the requirements of ORS 368.341 for submitting a petition. The county considers all properly prepared petitions to vacate a road (See example petition). Roads under multiple jurisdictions may require action by each governing body.

What are the steps in vacating a road?

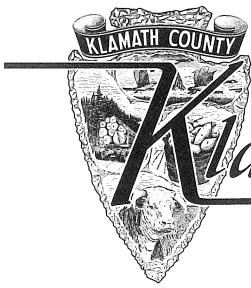
Once a valid petition requesting the vacation has been received, the county road official prepares a written report on whether the vacation would be in the public interest. Once the report is received, a time and place for a hearing is established and notice is given of the hearing. New or controversial information may be presented to the Board before or during the hearing. More details on road vacation procedures are found in Oregon Revised Statutes 368.326 to 368.366, and under the County Road Manual in Chapter 7. Ultimately it is the Board of Commissioners who will approve or deny the vacation of a public road.

What are the filing fees to be paid?

Currently the County doesn't have a vacation review or processing fee. This can change on a case by case basis as large vacation request may require a lot of County resources to review and finalize.

Does a road vacation require a public hearing?

Generally, yes. The exception is when a petition for vacation indicates the approval of 100% of the property owners owning land abutting the road proposed to be vacated and the County road official indicates in the report that it's in the best interest of the public to vacate the road.



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When does a vacation take effect?

Upon recording with the County Clerk when the Board order becomes final. This will generally be 60 days after the Board votes on the vacation, unless the ordinance includes an emergency clause, which would specify a shorter time.

Who gets the vacated property?

The vacated property usually reverts to the abutting owners up to the center of the road. However, depending on how the road is owned or how the vacation is requested, title to the land may go separately from abutting ownerships (See ORS 368.366). The Board could also order a different reversion of the property based on information brought forth at the public hearing or in the petition.

Additional Information

Vacations are usually a last resort as other options may exist for benefit to the land owner such as gate or encroachment permits. Most of these permits are revocable and when a utility or road improvement is needed to benefit the public, the permit may be revoked in order to allow construction of a public improvement to proceed.

Vacations are not very common. The primary reason for not being in the public's best interest could be because of existing or future utilities (power, gas, water, sewer, etc.). Even if a vacation is approved it typically requires a public utility easement to be created. The land owner may be required to maintain the easement to a level of approval from the public utility companies in order for the utility company to maintain their facility.

Vacations for the benefit of individual property owners is typically not a valid reason to request a vacation. In addition, increased property value by vacating a roadway is not a valid reason to request a vacation. Owning both sides of the road is not a valid reason to request a vacation. None of these options benefit the public road or public utility companies. Vacations can also have negative impacts to emergency service response times by increasing the distance responders have to travel to get to the destination.

Who do I see for more information about a road vacation?

Contact us regarding any road within county jurisdiction. For City Streets, contact the city's administrative office. Information about road vacation on state highways can be obtained by contacting the Oregon Department of Transportation.