

# Senate Bill 309

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies process by which title to public property vacated by city is vested.

## A BILL FOR AN ACT

1  
2 Relating to vacation of public property; creating new provisions; amending ORS 92.234 and 271.170;  
3 and repealing ORS 271.140.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 271.080 to**  
6 **271.170.**

7 **SECTION 2. (1) When the governing body of a city vacates public property under ORS**  
8 **271.080 to 271.170, the vacated property vests as follows:**

9 (a) **If the city holds fee title to the vacated property, the property vests in the city.**

10 (b) **If the vacated property is a public square, the property vests in the city.**

11 (c) **Unless the vacated property is described in paragraph (a) or (b) of this subsection, the**  
12 **property vests in the rightful owner holding title according to law.**

13 (d) **Unless the vacated property is described in paragraphs (a) to (c) of this subsection,**  
14 **the property vests in the owner of the land abutting the vacated property by extension of the**  
15 **owner's abutting property boundaries to the center of the vacated property.**

16 (2) **Notwithstanding subsection (1) of this section, the governing body of a city may de-**  
17 **termine the vesting of property vacated under ORS 271.080 to 271.170 in the ordinance that**  
18 **vacates the property.**

19 **SECTION 3. ORS 271.170 is amended to read:**

20 271.170. The provisions of ORS 271.080 to [271.160] **271.170** are alternative to the provisions of  
21 the charter of [any] **an** incorporated city and nothing contained in those statutes [shall in anywise  
22 affect or impair] **affects or impairs** the charter or other provisions of [such cities] **the city** for the  
23 preservation of public access to and from transportation terminals and navigable waters.

24 **SECTION 4. ORS 92.234 is amended to read:**

25 92.234. (1) Following a hearing conducted as required under ORS 92.225 (4), the agency or body  
26 conducting the hearing may:

27 (a) Require the revision of a subdivision and a replat of the subdivision as it considers neces-  
28 sary, if it finds that the subdivision may be revised to comply with the comprehensive plan, zoning  
29 ordinances and regulations and other modern subdivision control standards not in existence when  
30 the subdivision was initially approved; or

31 (b) Initiate proceedings, as provided in subsection (3) of this section, for vacation of the subdivi-

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [italic and bracketed] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 vision, if it finds that the subdivision cannot be revised in accordance with the comprehensive plan,  
2 zoning ordinances and regulations and other modern subdivision control standards not in existence  
3 when the subdivision was initially approved.

4 (2) If an agency or body requires the revision and replat of a subdivision under subsection (1)(a)  
5 of this section, it shall approve the subdivision only upon the completion of the revisions as required  
6 by it and the replat of the subdivision as provided in ORS 92.180 to 92.190.

7 (3) If the agency or body determines that it is necessary to vacate a subdivision, the agency or  
8 body shall adopt an ordinance, **order or resolution** vacating the subdivision and providing for the  
9 vacation of lands within the subdivision that have been dedicated for public use. Title to lands  
10 within a vacated subdivision shall vest as provided in ORS [271.140 and] 368.366 **and section 2 of**  
11 **this 2007 Act**. Any owner of lands described in the plat of the vacated subdivision who is aggrieved  
12 by the action of the agency or body in vacating the subdivision may appeal such action in the  
13 manner provided in ORS 34.010 to 34.100. The ordinance, **order or resolution** adopted by the  
14 agency or body for the vacation of the subdivision and the lands therein dedicated to public use  
15 shall be filed with the county recording officer as provided in ORS 271.150 **or 368.356**.

16 (4) Nothing in ORS 92.205 to 92.245 shall prevent the owner of any lands within an undeveloped  
17 subdivision from seeking vacation of such subdivision under city or county vacation procedures and,  
18 if such vacation proceedings are commenced after the date of the notice of review of the subdivision  
19 by the agency or body, the review proceeding shall be suspended during such vacation proceedings.  
20 If the subdivision is vacated at the initiation of an owner, the review proceedings under ORS 92.205  
21 to 92.245 shall be discontinued; but, if the subdivision is not vacated at the request of an owner, the  
22 review proceedings under ORS 92.205 to 92.245 shall be resumed at the termination of the pro-  
23 ceedings brought by an owner of lands in the subdivision.

24 **SECTION 5. ORS 271.140 is repealed.**

25 **SECTION 6. Section 2 of this 2007 Act applies to property vacated pursuant to an ordi-**  
26 **nance adopted on or after the effective date of this 2007 Act.**

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