

CITY OF COOS BAY
JOINT CITY COUNCIL / URA WORK SESSION
Agenda Staff Report

MEETING DATE April 25, 2017	AGENDA ITEM NUMBER
---------------------------------------	---------------------------

TO: Mayor Benetti and City Councilors

FROM: Tom Dixon, Community Development Administrator

THROUGH: Rodger Craddock, City Manager *REC*
Jim Hossley, Public Works and Community Development Director *JH*

ISSUE: Proposal Ordinance to Vacate the Portion of Division Avenue between North Empire Boulevard and North Marple Street

SUMMARY

The proposed vacation was initiated by Council motion on March 21, 2017 at the request of the applicant. After the hearing on April 11, 2017, the Planning Commission voted unanimously to recommend approval of the proposal to vacate the portion of Division Avenue between North Empire Boulevard and North Marple Street, found in Section 17CD, Township 25, Range 13 West of the Willamette Meridian, Coos County, Oregon. The platted Division Avenue right-of-way terminates at North Empire Blvd. There are no utilities in the 30-foot wide platted right-of-way and, according to information received from affected utility companies, there are no plans to utilize the right-of-way in the future.

The attached "Notice of Planning Commission Recommendation" addressed the Decision Criteria, Findings and the Conclusion for the proposed vacation (*Attachment A*).

ACTION REQUESTED

At the May 2nd Council meeting, hold a public hearing to vacate Division Avenue between North Empire Boulevard and North Marple Street as found in Section 17CD, Township 25, Range 13 West of the Willamette Meridian, Coos County, Oregon, subject to the noted conditions.

BACKGROUND

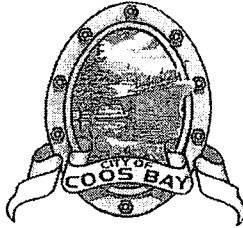
The City of Coos Bay owns the property south of the proposed right-of-way vacation. The applicants are interested in purchasing that property but due to the topography, they would like to incorporate the Division Avenue right-of-way for improved residential development potential.

BUDGET IMPLICATIONS

The applicants paid the application fee of \$795 and the publishing fee \$214.46. The City will pay the recording fee of approximately \$61.

ATTACHMENTS

- A - Final Recommendation by the Planning Commission
- B - Aerial Map
- C - Draft Ordinance with exhibits
- D – Land Use Development Review Application



City of Coos Bay

Community Development Dept.

500 Central Ave., Coos Bay, Oregon 97420
Phone (541) 269-8918 Fax (541) 269-8916

**NOTICE OF PLANNING COMMISSION RECOMMENDATION
Right-of-Way Vacation**

- APPLICATION:** Right of Way Vacation #187-ZON17-012
- OWNER/APPLICANT:** RAF Development
25602 Alicia Parkway #421, Laguna Hills, CA 92653
- PROPOSAL:** **VACATION #187-ZON2017-012 – Filed on February 13, 2017**
Vacate the unimproved portion of Division Avenue, located between North Empire Blvd and North Marple Street, found in Section 17CD, Township 25, Range 13 West of the Willamette Meridian, Coos County, Oregon.
- RECOMMENDATION:** April 11, 2017 the Planning Commission recommended approval the proposed vacation as described above.
- Final Vote:
Yea: Chairman Rex Miller, Commissioners Jim Berg, Christina Coles, Katherine Flores, Phil Marler, and John Peery.
Nay: None **Abstain:** None
- APPEAL PROVISIONS:** Page 2.
- DECISION CRITERIA AND THE COMMISSION'S ADOPTED FINDINGS OF FACT, CONCLUSIONS:** See pages 3-4

FINAL RECOMMENDATION

Based on the Findings and Conclusions set forth above, the Planning Commission recommends the City Council approve Vacation application #187-ZON17-012, for the vacation of the portion of Division Avenue, located between North Empire Blvd and North Marple Street, found in Section 17CD, Township 25, Range 13 West of the Willamette Meridian, Coos County, Oregon.

ATTACHMENT A

APPEAL PROVISION

The final decision will be made by the City Council, and the decision may be appealed to the Land Use Board of Appeals pursuant to ORS 197.830.

Questions regarding the appeal procedure may be directed to the Community Development Department, City Hall, 500 Central, Coos Bay, Oregon or phone (541) 269-8918.

DECISION PROCESS - EFFECTIVE DATE

The Planning Commission makes a recommendation to the City Council after hearing public testimony and addressing the decision criteria applicable for the proposed zone change and plan map amendment. The Commission may recommend approval, approval with conditions, or deny the proposals after approving findings or statements which substantiate their conclusions.

The Council shall review the record and affirm, amend, or reverse the Commission recommendation, or remand the matter back for further consideration. Upon approval of the proposed amendments, the City Council shall have prepared an ordinance declaring the changes. The proposed changes will become effective 30 days after the enactment of the ordinance.

Sincerely,
CITY OF COOS BAY



Debbie Erler, Planner 1

Date April 14, 2017

EXHIBIT "A"

The following is a list of the decision criteria applicable to the request (City of Coos Bay Municipal Code 17.345.050). A Vacation request must be supported by each of the criteria followed by findings or justification statements adopted by the Planning Commission to support their conclusions. Each of the findings or justification statements specifically apply to at least one of the decision criteria, any of the statements may be used to support the Commission's final recommendation.

DECISION CRITERION A: Consent of the affected property owners has been obtained.

STATEMENTS OF FACT AND FINDINGS:

- A1. The City received the required notarized signatures of all abutting property owners and the required notarized signatures of property owners in the affected area as required by CBMC, Chapter 17.345.020.

CONCLUSION: Notarized consent of the affected property owners was received. The decision criterion has been adequately addressed and approval can be supported.

DECISION CRITERION B: The city-provided notice has been provided consistent with CBDC 17.130.120, Notices.

STATEMENTS OF FACT AND FINDINGS:

- B1. On March 21, 2017, the Coos Bay City Council initiated the vacation process at the applicant's request.
- B2. The Community Development Division has given notice of the hearings in accordance with Coos Bay Municipal Code (CBMC) Chapter 17.300 and state statute. Notice of the time and place of the hearings were:
- Mailed to all property owners within 300 feet of the area to be vacated on March 22, 2017.
 - Published in "The World" newspaper on March 23, 2017 and March 31, 2017.
 - Posted in the area of the vacation on March 23, 2017 (Division Avenue and North Marple), and posted on the bulletin board at Coos Bay City Hall and Coos Bay Library.

CONCLUSION: All notice required by the Coos Bay Municipal Code and state statute has been given. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERION C: The proposal does not conflict with the comprehensive plan, including the adopted Coos Bay transportation system plan (TSP), or other applicable ordinances.

STATEMENTS OF FACT AND FINDINGS:

- C1. After reviewing the city's comprehensive plan, and other ordinance provisions, city staff did not find any specific conflicts between the city's regulations and the proposed vacation.

CONCLUSION: The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERION D: The vacation does not prejudice the public interest.

STATEMENTS OF FACT AND FINDINGS:

- D1. The platted right-of-way of Division Avenue is a width of 30 feet. The right-of-way does not extend to the bay (ends at S. Empire Blvd.) and there is an extreme elevation change (50+ feet) to the next property
- D2. Published notice, posted notice and mailed notice of hearings concerning the proposed vacation was provide to the public and affected utility agencies with an opportunity to express their opinions concerning a proposed vacation. The notice indicate written comments may be submitted prior to the hearing.
- D3. The platted right-of-way of Division Avenue does not extend to the bay and as provided by Port of Coos Bay Resolution 90/91-14 *"The vacation of streets/right of ways in areas in excess of 1,000 feet from the harbor and pier head lines will not have an adverse effect on transportation or commerce with the Port district therefore, the Board of Commissioners approves the proposed alley vacation"*.
- D4. The City received an e-mail from Mr. Matt Whitty, Coos Bay North Bend Water Board, dated March 29, 2017 indicating the Water Board does not have any infrastructure nor any plans for future infrastructure in the proposed vacation area. We have no objection to this application
- D5. The City received an e-mail from Coos Bay Operations Administrator, Randy Dixon, dated March 29, 2017, indicating Operations has no issue or concerns with the proposed vacation.
- D6. A written response dated March 31, 2017 from Jason Vinyard Engineering Technician the City of Coos Bay Engineering Department (*Attachment E*) indicates the Engineering Division has no objections with the proposed vacation.

CONCLUSION: Access to abutting property is available from North Marple Street and North Empire Blvd. The right-of-way does not extend to the bay and according to responses from affected utility companies, the right-of-way is not needed for utility lines. The decision criterion has been adequately addressed and approval of the proposal can be supported.



Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Disclaimer:
 This document is produced using a Geographic Information System (GIS). The data contained herein is intended to be a graphical representation only and is by no means an official survey or legal interpretation thereof. The City of Coos Bay provides this data in good faith and makes no warranties, guarantees or representations of any kind, either expressed or implied, as to the content, accuracy, completeness or reliability of this data.

Date: 4/4/2017

Image Date: 7/6/2010

ATTACHMENT B



1 inch = 80 feet

Agenda Item #2c

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE VACATION OF DIVISION AVENUE, BETWEEN THE NORTH EMPIRE BLVD AND NORTH MARPLE STREET RIGHT OF WAY, FOUND IN SECTION 17CD, TOWNSHIP 25, RANGE 13 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON.

The City of Coos Bay ordains as follows:

Section 1. RAF Development filed a petition for the vacation of the portion of Division Avenue, between North Empire Blvd and North Marple Street right of way, within the City of Coos Bay, more particularly described as follows:

Beginning at the northwest corner of Lot 1, Block 10, of First Addition to Empire; thence, easterly along the south right of way line of Division Avenue 218.61 feet, more or less, to the northeast corner of Lot 15; thence in a northeasterly direction parallel to the west right of way line of North Marple Street 30 feet, more or less, to the north right of way line of Division Avenue; thence, westerly along the north right of way line of Division Avenue to a point on the east right of way line of Empire Blvd; thence, southwesterly along the east right of way line of Empire Blvd to the POINT OF BEGINNING.

Section 2. The City Council of the City of Coos Bay set the hour of 6:00 p.m. on April 11, 2017 in the Council Chambers of the City Hall in Coos Bay, Oregon, as the time and place for a public hearing before the Coos Bay Planning Commission on the matter of the vacation, at which time and place all persons having any objections were invited to be heard.

Section 3. The City of Coos Bay Community Development Division provided notice of the hearing as prescribed in ORS Sections 271.080 - 271.120, which notice declared the Council's intention to consider, upon recommendation by the Planning Commission, to vacate the above-described right of way within the City of Coos Bay, Coos County, Oregon, as follows:

(1) The City of Coos Bay Community Development Division gave notice of time and place of the hearings before the Planning Commission on April 11, 2017 and the City Council on May 2, 2017 by posting notice on March 23, 2017 labeled "Notice of Street Vacation" at the intersection of Division and North Marple Street, and posting on the bulletin board in the City Hall for the City of Coos Bay and the Coos Bay Library. The notices were posted in a conspicuous place where they could be easily read.

(2) Notice was published in The World, a newspaper of general circulation printed and published in Coos Bay, Oregon, once a week for two consecutive weeks in the March 23, 2017 and March 30, 2017 issue, as shown on the affidavit of publication which is attached hereto as "Exhibit A" and incorporated herein by reference.

(3) Notice of time and place of the hearings before the Planning Commission and the City Council was mailed to all the affected property owners, as defined by Oregon law, on March 22, 2017.

RETURN TO: City of Coos Bay
500 Central Avenue
Coos Bay OR 97420

ATACHMENT C

Section 4. The public hearing was held before the Coos Bay Planning Commission on April 11, 2017, in the Coos Bay Library, at the hour of 6:00 p.m. at which time and place all persons had an opportunity to appear and object to the vacation of the above-described real property.

Section 5. After careful consideration of all evidence and testimony presented during the public hearing, the Planning Commission found that the public interest would not be prejudiced by the vacation of the above-described real property and recommended the City Council vacate the above-described area.

Section 6. The public hearing was held before the City Council on May 2, 2017 and after having reviewed the Planning Commission's findings of fact, conclusions and final recommendation and the record of the public hearing held on April 11, 2017, the City Council hereby adopts the following findings of fact and conclusions of the Commission:

(1) RAF Development submitted the required notarized signatures of the abutting property owners and of two-thirds in area of the property embraced within the plat proposed to be vacated.

(2) Notice procedures under ORS 271.110 have been complied with.

(3) The proposal does not conflict with the comprehensive plan, including the adopted Coos Bay transportation system plan, or other ordinances.

(4) Granting the requested street vacation will not prejudice the public interest.

Section 7. The City Manager shall have prepared within a reasonable time an intelligible map of the property hereby vacated and the City Recorder shall cause the map to be filed with this ordinance in the office of the County Clerk, Coos County, Oregon as "Exhibit "B".

Section 8. It is hereby declared that public interest will not be prejudiced by the vacation of the above-described portion of Division Avenue, that such vacation is in the best interests of the City of Coos Bay, and that the City of Coos Bay does hereby vacate the entire area described in Section 1 of this ordinance.

Section 9. This Ordinance shall take effect 30 days after enactment by the Council and signature by the Mayor, whichever is later.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 2nd day of May 2017 by the following vote:

Yes:

No:

Absent:

Joe Benetti
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST:

Susanne Baker
Recorder of the City of Coos Bay
Coos County, Oregon

State of OREGON)
County of COOS)
City of Coos Bay)

On this _____ day of _____ before me personally appeared the within named Crystal Shoji, Mayor of the City of Coos Bay, and Susanne Baker, Recorder of the City of Coos Bay, and the seal affixed hereto is the official seal of the City of Coos Bay.

Notary Public for Oregon
My Commission Expires: _____

EXHIBIT "A"

AFFIDAVIT OF PUBLICATION

The World

Lee Enterprises - Coos County
350 Commercial Ave. Coos Bay, OR 97420
P.O. Box 1840, Coos Bay, OR 97420

STATE OF OREGON - COUNTY OF COOS

RECEIVED

APR - 7 2017

City of Coos Bay

City of Coos Bay
Attn: Debbie Erler, Planner
500 Central Avenue
Coos Bay, Oregon 97420

REFERENCE: 60005035/ 20307924

I, Deborah Mattair, first duly sworn, deposed and say that I am the Legal Advertising Clerk for THE WORLD, a newspaper of general circulation published at Coos Bay, Oregon, in the aforesaid county and state; that I know from my personal knowledge that the Notice of Public Hearing copy of which hereto annexed, was published in the entire issue of said newspaper two times in the following issue(s):

PUBLISHED: March 23 & 30, 2017

TOTAL COST: \$214.46

Deborah Mattair
Legal Clerk, Deborah Mattair, on this 30th day of March 2017

Elizabeth Jeanne Dausel
Notary Public of Oregon -
My Commission expires 3-5-2019

NOTICE IS HEREBY GIVEN that the Coos Bay Planning Commission and City Council will conduct public hearings at the times and locations noted below for the purpose of taking testimony on the matter of vacating the portion of Division Avenue, located between N. Empire Blvd and North Marple Street, found in Section 17CD, Township 25, Range 13 West of the Willamette Meridian, Coos County, Oregon.

Land Use #187-ZON17-012 was filed by applicant RAF Development on February 13, 2017. The Planning Commission will make a recommendation to the City Council following a public hearing on the matter. The hearing will take place on April 11, 2017 at 6:00 p.m. in the City Council Chambers at 500 Central Avenue, Coos Bay. The City Council will consider the matter and the Planning Commission's recommendation at a public hearing which will occur on May 2, 2017 at 7:00 p.m. at the same location.

The hearings are open to the public and all interested parties are encouraged to attend. Written objections may be filed with the Community Development Department, City Hall, 500 Central Avenue, Coos Bay, prior to the hearings and will be considered at the time of the hearings. The final decision by the City Council may be appealed to the Land Use Board of Appeals pursuant to ORS 197.830. Those wishing further information shall contact Debbie Erler, Planner at 541.269.1181 extension 2259.

Published: March 23 & 30, 2017
The World-ONPA website(20307924)





City of Coos Bay

Community Development • 500 Central Avenue • Coos Bay, Oregon 97420
Telephone 541.269.1181 • Fax 541.269.8916 • coosbay.org

LAND USE DEVELOPMENT REVIEW APPLICATION

For Office Use Only	
STAFF CONTACT	PROJECT No(s).

Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Appeal and Review | <input type="checkbox"/> Legislative/Text Amendment | <input type="checkbox"/> Temporary Use |
| <input type="checkbox"/> Architectural Design Review | <input type="checkbox"/> Lot Line Adjustment | <input checked="" type="checkbox"/> Vacation |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Partition | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Estuarine Use/Activities | <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Other _____ |

Pre-Application applications require a different application form available on the City website or at City Hall.

Site Location/Address: Tax Lot 5500 located in the southeast quarter of the southwest quarter of section 17, Township 25 South, Range 13 West; west side of North Marple Street, southwest of Division Avenue	Assessor's Map No./Tax Lot(s): 25S1317CD05500
	Zoning: LDR-6
	Total Land Area: 1.56 Acres

Detailed Description of Proposal:

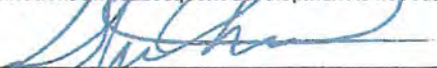


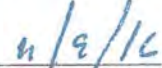
Proposed vacation of 6,538.56 sq ft / 0.15 Acres of public right-of-way located north of tax lot 5500. This application is submitted in accordance with pre-application conference action items for the proposed development of tax lot 5500 which took place October 20, 2016. The proposed vacation submitted herein reflects approval criteria outlined in Chapter 17.345 of the Coos Bay Municipal Code: vacation does not prejudice public interest nor does it conflict with the City's comprehensive plan. This vacation will not substantially affect the marketability of abutting property in terms of access, utility, or protective services.

Applicant/Owner Name: <small>(please print)</small>	RAF Development	Phone: 949-916-7555
Address:	25602 Alicia Parkway # 421	Email: johnmartindale@cox.net
City State Zip:	Laguna Hills, CA 92653	

Applicant's Representative: <small>(please print)</small>	Civil West Engineering Services, Inc.	Phone: 541-266-8601
Address:	486 E Street	Email: wboger@civilwest.com
City State Zip:	Coos Bay, OR 97420	

- Provide evidence that you are the owner or purchaser of the property or have the written permission of owner(s) to make an application.
- Copy of the deed for the subject property.
- Address the Decision Criteria or Goals/Standards outlined in the Coos Bay Municipal Code chapter(s) related to your request.
- Additional information: Date construction is expected to begin; estimated completion date of the total project and of individual segments; and anticipated future development.
- Type II requires three (3) **complete hard-copy sets** (single sided) of application & submitted documents must be included with this application.
One (1) complete set of digital application materials must also be submitted electronically or on CD in Word format.
Additional copies may be required as directed by the Coos Bay Director of Community Development.
- Type III requires **Ten (10) complete hard-copy sets** (single sided) of application & submitted documents must be included with this application.
One (1) complete set of digital application materials must also be submitted electronically or on CD in Word format.
Additional copies may be required as directed by the Coos Bay Director of Community Development.

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Coos Bay Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

			
Applicant's signature	Date	Owner's signature (required)	Date



February 9, 2017

Eric Day
Community Development Director
City of Coos Bay
500 Central Avenue
Coos Bay, Oregon 97420

RE: Vacation of public right-of-way abutting tax lot 5500

Dear Mr. Day,

This document has been generated per the requirements outlined in Chapter 17.345 of the Coos Bay Municipal code. It is proposed herein that a public right-of-way north of tax lot 5500, SE ¼ of the SW ¼ of Section 17, Township 25 South, Range 13 West be vacated per the action items prescribed in accordance with a pre-application conference for the proposed development of said parcel held October 20, 2016.

Per Section 17.345.020 Initiation of the Coos Bay municipal code, the following have been provided;

- A. Notarized petition of consent signed by owners of the "affected property"
- B. Legal description of the ground proposed to be vacated:
A 0.15-acre portion of Division Avenue between the rights of way of Marple Street and N Empire Boulevard and abutting lot 1202, block 1 (Flanagan Addition to Empire) and lots 1 – 15, block 10 (First Addition to Empire) located in the SE ¼ & NE ¼ of the SW ¼ of Section 17, Township 25 South, Range 13 West.
- C. Map of ground proposed to be vacated
- D. Purpose and Justification for vacation:
A request to vacate a section of Division Avenue directly west of Marple Street is proposed for ultimate inclusion in a four-lot subdivision in the LDR-6 zone district for tax lot 5500 currently owned by The City of Coos Bay.

The proposed vacation submitted herein does not prejudice public interest nor does it conflict with the City's comprehensive plan or transportation system plan. This vacation will not affect the marketability of abutting properties in terms of access, utility, or protective services.

We appreciate the time and effort taken by the City in reviewing this application.

Respectfully,
Civil West Engineering Services, Inc.

A handwritten signature in blue ink that reads "William Boger".

William Boger, PE
Project Manager
cc: fileEncl.



	DRAWN BY: BS DATE: NOV 2016		AFFECTED PROPERTY	FIGURE
	RIGHT-OF-WAY VACATION	COOS BAY COOS COUNTY, OR	A	

PETITION FOR VACATION OF STREET, ALLEY, OR PLAT

Before the City Council
of the City of Coos Bay, Coos County, Oregon

PETITION:

In the matter of vacating Division Avenue)
Between N. Empire Blvd. and N. Marple St.)

EXHIBIT "A" Proposed vacation area map

I/We, the undersigned, do hereby give my/our consent to said vacation.

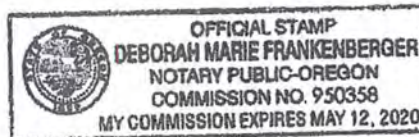
Owner Signature: <u>Rodger Craddock</u> Print Name: Rodger Craddock, City Manager City of Coos Bay	Block No. 10 Lot(s) 1-15 First Addition to Empire
Property Address: Vacant	Addition:

Owner Signature Print Name	Block No. Lot(s)
Property Address	Addition:

Owner Signature Print Name	Block No. Lot(s)
Property Address	Addition:

Personally appeared before me the above named individual(s) and acknowledged the foregoing instrument to be their voluntary act and deed. This 17 day of November, 2016.

Deborah Marie Frankenger
 Signature of Notary Officer
 My Commission expires: 5/12/2020



PETITION FOR VACATION OF STREET, ALLEY, OR PLAT


Before the City Council
of the City of Coos Bay, Coos County, Oregon

PETITION:

In the matter of the vacation of 0.15 acres of public right-of-way formerly Division Avenue, bounded by tax lot 5500, tax lot 1202, N Marple Street, and Empire Boulevard

SEE EXHIBIT "A"


I/We, the undersigned, do hereby give my/our consent to said vacation.

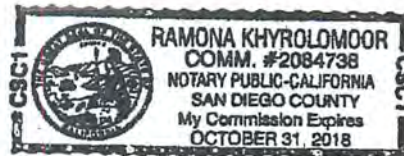
Owner Signature  Print Name: BLAIR STURGES	Block No. 1 Lot Parcel 1 Tax Lot ID: 25S1317CA01202
Property Address VACANT	Addition: FLANAGAN ADDITION TO EMPIRE

Owner Signature Print Name:	Block No. 1 Lot Parcel 1 Tax Lot ID: 25S1317CA01202
Property Address VACANT	Addition: FLANAGAN ADDITION TO EMPIRE

Owner Signature Print Name	Block No. 1 Lot Parcel 1 Tax Lot ID: 25S1317CA01202
Property Address VACANT	Addition: FLANAGAN ADDITION TO EMPIRE

Personally appeared before me the above named individual(s) and acknowledged the foregoing instrument to be their voluntary act and deed. This 1st day of February, ~~2018~~ ^{AK} 2017


Signature of Notary Officer
My Commission expires: Oct 31/2018



PETITION FOR VACATION OF STREET, ALLEY, OR PLAT

Before the City Council
of the City of Coos Bay, Coos County, Oregon

PETITION:

In the matter of the vacation of 0.15 acres of public right-of-way formerly Division Avenue, bounded by tax lot 5500, tax lot 1202, N Marple Street, and Empire Boulevard

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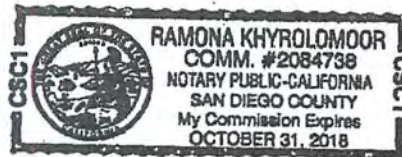
Owner Signature <i>Susan Sturges</i>	Block No. 1 Lot Parcel 1
Print Name: SUSAN STURGES <i>Susan Sturges</i>	Tax Lot ID: 25S1317CA01202
Property Address VACANT	Addition: FLANAGAN ADDITION TO EMPIRE

Owner Signature	Block No. 1 Lot Parcel 1
Print Name:	Tax Lot ID: 25S1317CA01202
Property Address VACANT	Addition: FLANAGAN ADDITION TO EMPIRE

Owner Signature	Block No. 1 Lot Parcel 1
Print Name	Tax Lot ID: 25S1317CA01202
Property Address VACANT	Addition: FLANAGAN ADDITION TO EMPIRE

Personally appeared before me the above named individual~~s~~ and acknowledged the foregoing instrument to be their voluntary act and deed. This 1st day of February, ~~2016~~ 2017. *AK*

Ramona Khyrolomoor
Signature of Notary Officer
My Commission expires: Oct 31/2018



PETITION FOR VACATION OF STREET, ALLEY, OR PLAT

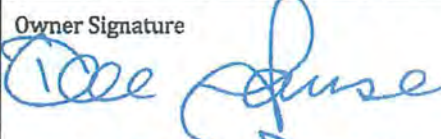
Before the City Council
of the City of Coos Bay, Coos County, Oregon


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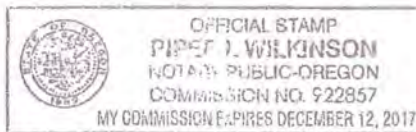
Owner Signature  Print Name: <u>DALE SAUSE</u> SAUSE BROS. OCEAN TOWING CO., INC.	Block No. NA Lot NA Tax Lot ID: 25S1317CA02000
Property Address VACANT	Addition:

Owner Signature  Print Name: <u>DALE SAUSE</u> SAUSE BROS. OCEAN TOWING CO., INC.	Block No. NA Lot NA Tax Lot ID: 25S13170000100
Property Address VACANT	Addition:

Personally appeared before me the above named individual(s) and acknowledged the foregoing instrument to be their voluntary act and deed. This 10th day of January, ~~2016~~ ²⁰¹⁷ _{pw}



Signature of Notary Officer
My Commission expires: 12/12/2017



PETITION FOR VACATION OF STREET, ALLEY, OR PLAT

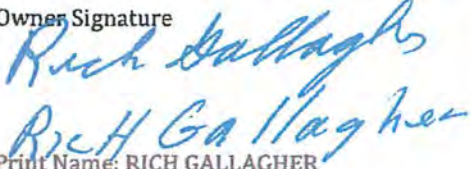
Before the City Council
of the City of Coos Bay, Coos County, Oregon


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In the matter of the vacation of 0.15 acres of public right-of-way formerly Division Avenue, bounded by tax lot 5500, tax lot 1202, N Marple Street, and Empire Boulevard

SEE EXHIBIT "A"

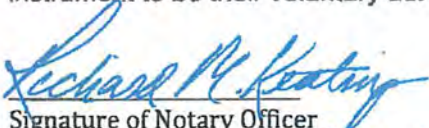
I/We, the undersigned, do hereby give my/our consent to said vacation.

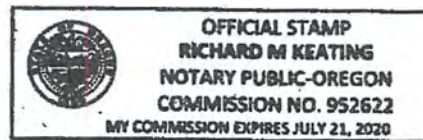
Owner Signature  Print Name: RICH GALLAGHER	Block No. 1 Lot Parcel 2 Tax Lot ID: 25S1317CA01201
Property Address VACANT	Addition: FLANAGAN ADDITION TO EMPIRE

Owner Signature  Print Name: RUTH GALLAGHER	Block No. 1 Lot Parcel 2 Tax Lot ID: 25S1317CA01201
Property Address VACANT	Addition: FLANAGAN ADDITION TO EMPIRE

Owner Signature Print Name	Block No. 1 Lot Parcel 2 Tax Lot ID: 25S1317CA01201
Property Address VACANT	Addition: FLANAGAN ADDITION TO EMPIRE

Personally appeared before me the above named individual(s) and acknowledged the foregoing instrument to be their voluntary act and deed. This 6th day of December, 2016.


 Signature of Notary Officer
 My Commission expires: July 21, 2020



PETITION FOR VACATION OF STREET, ALLEY, OR PLAT


Before the City Council
of the City of Coos Bay, Coos County, Oregon


PETITION:

In the matter of the vacation of 0.15 acres of public right-of-way formerly Division Avenue, bounded by tax lot 5500, tax lot 1202, N Marple Street, and Empire Boulevard

SEE EXHIBIT "A"


I/We, the undersigned, do hereby give my/our consent to said vacation.

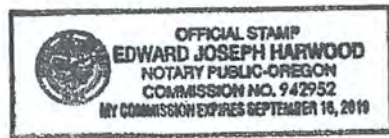
Owner Signature  Print Name: NHU MAI LORENZ	Block No. 1 Lot 7 - 9 Tax Lot ID: 25S1317CA01800
Property Address 524 TAYLOR AVE COOS BAY, OR 97420	Addition: FLANAGAN ADDITION TO EMPIRE

Owner Signature  Print Name: LLOYD D. LORENZ	Block No. 1 Lot 7 - 9 Tax Lot ID: 25S1317CA01800
Property Address 524 TAYLOR AVE COOS BAY, OR 97420	Addition: FLANAGAN ADDITION TO EMPIRE

Owner Signature Print Name	Block No. 1 Lot 7 - 9 Tax Lot ID: 25S1317CA01800
Property Address 524 TAYLOR AVE COOS BAY, OR 97420	Addition: FLANAGAN ADDITION TO EMPIRE

Personally appeared before me the above named individual(s) and acknowledged the foregoing instrument to be their voluntary act and deed. This 30 day of NOVEMBER, 2016.


 Signature of Notary Officer
 My Commission expires: 9/16/2019



ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE VACATION OF DIVISION AVENUE BETWEEN THE NORTH EMPIRE BOULEVARD AND NORTH MARPLE STREET RIGHTS-OF-WAY, FOUND IN SECTION 17CD, TOWNSHIP 25, RANGE 13 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON.

The City of Coos Bay ordains as follows:

Section 1. RAF Development filed a petition for the vacation of the portion of Division Avenue between North Empire Blvd and North Marple Street rights-of-way, within the City of Coos Bay, more particularly described as follows:

Beginning at the northwest corner of Lot 1, Block 10, of First Addition to Empire; thence, easterly along the south right of way line of Division Avenue 218.61 feet, more or less, to the northeast corner of Lot 15; thence in a northeasterly direction parallel to the west right of way line of North Marple Street 30 feet, more or less, to the north right of way line of Division Avenue; thence, westerly along the north right of way line of Division Avenue to a point on the east right of way line of Empire Blvd; thence, southwesterly along the east right of way line of Empire Blvd to the POINT OF BEGINNING.

Section 2. The City Council of the City of Coos Bay set the hour of 6:00 p.m. on April 11, 2017 in the Council Chambers of the City Hall in Coos Bay, Oregon, as the time and place for a public hearing before the Coos Bay Planning Commission on the matter of the vacation, at which time and place all persons having any objections were invited to be heard.

Section 3. The City of Coos Bay Community Development Division provided notice of the hearing as prescribed in ORS Sections 271.080 - 271.120, which notice declared the Council's intention to consider, upon recommendation by the Planning Commission, to vacate the above-described right-of-way within the City of Coos Bay, Coos County, Oregon, as follows:

(1) The City of Coos Bay Community Development Division gave notice of time and place of the hearings before the Planning Commission on April 11, 2017 and the City Council on May 2, 2017 by posting notice on March 23, 2017 labeled "Notice of Street Vacation" at the intersection of Division and North Marple Street, and posting on the bulletin board in the City Hall for the City of Coos Bay and the Coos Bay Library. The notices were posted in a conspicuous place where they could be easily read.

(2) Notice was published in The World, a newspaper of general circulation printed and published in Coos Bay, Oregon, once a week for two consecutive weeks in the March 23, 2017 and March 30, 2017 issues, as shown on the affidavit of publication which is attached hereto as "Exhibit A" and incorporated herein by reference.

(3) Notice of time and place of the hearings before the Planning Commission and the City Council was mailed to all the affected property owners, as defined by Oregon law, on March 22, 2017.

RETURN TO: City of Coos Bay
500 Central Avenue
Coos Bay OR 97420

Section 4. The public hearing was held before the Coos Bay Planning Commission on April 11, 2017, in the Coos Bay Library, at the hour of 6:00 p.m. at which time and place all persons had an opportunity to appear and object to the vacation of the above-described real property.

Section 5. After careful consideration of all evidence and testimony presented during the public hearing, the Planning Commission found that the public interest would not be prejudiced by the vacation of the above-described real property and recommended the City Council vacate the above-described area.

Section 6. The public hearing was held before the City Council on May 2, 2017 and after having reviewed the Planning Commission's findings of fact, conclusions and final recommendation and the record of the public hearing held on April 11, 2017, the City Council hereby adopts the following findings of fact and conclusions of the Commission:

- (1) RAF Development submitted the required notarized signatures of the abutting property owners and of two-thirds in area of the property embraced within the plat proposed to be vacated.
- (2) Notice procedures under ORS 271.110 have been complied with.
- (3) The proposal does not conflict with the comprehensive plan, including the adopted Coos Bay transportation system plan, or other ordinances.
- (4) Granting the requested street vacation will not prejudice the public interest.

Section 7. The City Manager shall have prepared within a reasonable time an intelligible map of the property hereby vacated and the City Recorder shall cause the map to be filed with this ordinance in the office of the County Clerk, Coos County, Oregon as "Exhibit "B".

Section 8. It is hereby declared that public interest will not be prejudiced by the vacation of the above-described portion of Division Avenue, that such vacation is in the best interests of the City of Coos Bay, and that the City of Coos Bay does hereby vacate the entire area described in Section 1 of this ordinance.

Section 9. This Ordinance shall take effect 30 days after enactment by the Council and signature by the Mayor, whichever is later.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this _____ day of May 2017 by the following vote:

Yes:

No:

Absent:

Joe Benetti
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST:

Susanne Baker
Recorder of the City of Coos Bay
Coos County, Oregon

State of OREGON)
County of COOS)
City of Coos Bay)

On this ____ day of _____ before me personally appeared the within named Joe Benetti, Mayor of the City of Coos Bay, and Susanne Baker, Recorder of the City of Coos Bay, and the seal affixed hereto is the official seal of the City of Coos Bay.

Notary Public for Oregon
My Commission Expires: _____

EXHIBIT "A"

AFFIDAVIT OF PUBLICATION

The World

Lee Enterprises - Coos County
350 Commercial Ave. Coos Bay, OR 97420
P.O. Box 1840, Coos Bay, OR 97420

STATE OF OREGON - COUNTY OF COOS

RECEIVED

APR - 7 2017

City of Coos Bay

City of Coos Bay
Attn: Debbie Erler, Planner
500 Central Avenue
Coos Bay, Oregon 97420

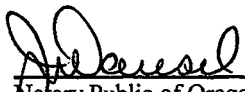
REFERENCE: 60005035/ 20307924

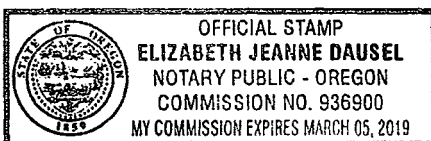
I, **Deborah Mattair**, first duly sworn, deposed and say that I am the Legal Advertising Clerk for THE WORLD, a newspaper of general circulation published at Coos Bay, Oregon, in the aforesaid county and state; that I know from my personal knowledge that the **Notice of Public Hearing** copy of which hereto annexed, was published in the entire issue of said newspaper **two** times in the following issue(s):

PUBLISHED: March 23 & 30, 2017

TOTAL COST: \$214.46


Legal Clerk, **Deborah Mattair**, on this **30th** day of **March 2017**


Notary Public of Oregon -
My Commission expires **3-5-2019**



NOTICE IS HEREBY GIVEN that the Coos Bay Planning Commission and City Council will conduct public hearings at the times and locations noted below for the purpose of giving testimony on the matter of rezoning the portion of Division Avenue located between N. Empire Street and North Marine Street, noted in Section 17.010, Township 25, Range 13 West of the Willamette Meridian, Coos County, Oregon.

Land Use #167-2017-012 was filed by applicant RAF Development on February 15, 2017. The Planning Commission will make a recommendation to the City Council following a public hearing on the matter. The hearing will take place on April 11, 2017 at 6:00 p.m. in the City Council Chamber at 520 Central Avenue, Coos Bay. The City Council will consider the matter and the Planning Commission's recommendation at a public hearing which will occur on May 2, 2017 at 7:00 a.m. at the same location.

The hearings are open to the public and interested parties are encouraged to attend. Written objections may be filed with the Community Development Department, City of Coos Bay, 520 Central Avenue, Coos Bay prior to the hearings and will be considered at the time of the hearings. The final decision by the City Council may be appealed to the Land Use Board of Appeals pursuant to ORS 197.001. Those wishing further information should contact Kristine Eitel, Planner at 541-236-7181 extension 2228.

Published: March 23 & 30, 2017
The World-CMPA website: 20307924

EXHIBIT "B"

AREA OF VACATION

Division Avenue, located between North Empire Blvd and North Marple Street, found in Section 17CD, Township 25, Range 13 West of the Willamette Meridian, Coos County, Oregon.

