

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

MEETING DATE	AGENDA ITEM NUMBER
June 13, 2017	

TO: Mayor Benetti and City Councilors

FROM: Tom Dixon, Community Development Administrator

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

ISSUE: Ordinance to remove the reservation of utility easement rights on Property in the Vicinity of 581 N Broadway

**SUMMARY**

The request is associated with recently enacted Ordinance No. 484 which amended Ordinance No. 2762 to eliminate a prior utility reservations and thus enable re-development of a commercial property. Ordinance No. 484 failed to include the reservation for a transformer left by Ordinance No. 2180. To eliminate the remaining reservation was originally placed on a portion of Park Avenue through Ordinance No. 2180.

**ACTION REQUESTED**

Adopt Ordinance to permanently dissolve the referenced reservation, as described in the ordinance and as found in plat map Section 17CD, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon.

**BACKGROUND**

The request is a follow-up to a previous elimination of a reservation that will allow re-development of property for a new, specialty retail grocer.

This proposed elimination of a reservation is initiated by staff to correct deficiencies that occurred previously under Ordinance No. 484 which failed to include a portion of a Coos County plat map that retained a reservation that encumbers the property that includes 581 N. Broadway from re-development. The utility reservation was initially placed on the property under both Ordinances No. 2180 and No. 2762. The utility reservation placed under Ordinance No. 2762 was eliminated by Ordinance No. 484 but it should have included an adjoining reservation area that remained and which provided for the location of a transformer that might be needed sometime in the future for undergrounding of utilities. The transformer has never been placed in said reservation, no utilities that would warrant the transformer are presently in the reservation, and no utility provider, including the City of Coos Bay, has objected to the reservation being permanently dissolved. The area of reservation to be eliminated illustrated in the attached map.

### **BUDGET IMPLICATIONS**

None, the reservation is no longer needed by any public or private utilities.

### **ATTACHMENTS**

Draft Ordinance  
Aerial Map

**ORDINANCE NO. ###**

**AN ORDINANCE PROVIDING FOR AN AMENDMENT OF ORDINANCE NO. 2762 OF THE CITY OF COOS BAY TO ELIMINATE THE RESERVATION OF EASEMENT RIGHTS FOR A FUTURE TRANSFORMER TO SERVE UNDERGROUND UTILITIES**

**THE CITY OF COOS BAY DOES ORDAIN AS FOLLOWS:**

**WHEREAS**, Under and pursuant to Ordinance No. 2180, and as provided for in Ordinance No. 2762, the City of Coos Bay vacated the previously platted right-of-way but retained a reservation for a utility easement for the right on the part of the City to a future site for a transformer to serve undergrounding of utilities, the exact location to be determined at a future time.

**WHEREAS**, the reservation for the utility easement is described as follows:

The south one-half of Park Avenue from the west line of First Street North to the east line of North Broadway, and,

The two (2) ten-foot alleys east of Park Avenue and located between the east line of First Street North and the west line of Highway 101, being in the City of Coos Bay, Coos County, Oregon.

**WHEREAS**, Subsequent development was granted on portions of this reservation without objection from the City or any public utility provider having the prerogative of such use for said reservation.

**WHEREAS**, As the City does not require the need for a future transformer, therefore Ordinance No. 2762 is hereby amended by the relinquishment of the reservation therefrom of any and all rights by the City to a future transformer to serve for the undergrounding of utilities.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay the \_\_\_\_\_ day of June 2017.

Yes:

No:

Absent:

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

ATTEST:

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





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Date: 5/8/2017

Image Date: 7/6/2010



1 inch = 145 feet