

ORDINANCE NO. 222

AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF MYRTLE AVENUE, WITHIN THE CITY OF COOS BAY, COOS COUNTY, OREGON.

The City of Coos Bay ordains as follows:

Section 1: The City Council of the City of Coos Bay deemed it desirable to vacate the following portion of Myrtle Avenue within the City of Coos Bay, more particularly described as follows:

Beginning on the west boundary of Koosbay Boulevard at a point which is the southeast corner of Block 17 of the Boulevard Park Addition to the City of Coos Bay; thence running North 89° 50' West along the north boundary of Myrtle Avenue (formerly Coke Street) 93.22 feet to a 3/4 inch iron pipe; thence continuing North 89° 50' West 30.78 feet to an iron pipe; thence continuing North 89° 50' West 23.91 feet to a 5/8 inch iron rod; thence continuing North 89° 50' West 92.09 feet, more or less, to a point which is 50 feet East of the common boundary between Blocks 16 and 17 of the Boulevard Park Addition; thence South 0° 10' West 30 feet to a point on the centerline of Myrtle Avenue; thence South 89° 50' East 146.78 feet, more or less, along the center line of Myrtle Avenue to an iron pipe; thence continuing South 89° 50' East 93.22 feet to the west boundary of Koosbay Boulevard; thence North 0° 10' East along the west boundary of Koosbay Boulevard 30 feet to the point of beginning;

and set the hour of 7:30 p.m. October 10, 1995 in the Council Chambers of the City Hall in Coos Bay, Oregon, as the time and place for a public hearing on the matter of the vacation, at which time and place all persons having any objections were invited to be heard by the Planning Commission. The City of Coos Bay Community Service Department provided notice of the hearing as prescribed in ORS Sections 271.080-271.120, which notice declared the Council's intention to take appropriate proceedings to vacate the above-mentioned portion of street within the City of Coos Bay, Coos County, Oregon.

Section 2: The Community Service Department gave notice of time and place of the hearing by posting notice on a stake at the east and west ends of the vacation area and posting on the bulletin board in City Hall. The notices were posted in a conspicuous place where they could be easily read.

Notice of time and place of said hearing was mailed to all the affected property owners and was also published in The World, a newspaper of general circulation printed and published in Coos Bay, Oregon, and said notice was published in the entire issue of said newspaper for four consecutive weeks in the beginning with the September 16, 1995 issue and continuing through the October 3, 1995 as shown on the affidavit of publication which is by reference made a part hereof.

Section 3. Pursuant to the notice, a hearing was held before the Coos Bay Planning Commission on October 10, 1995, in the Council Chambers of Coos Bay City Hall, at the hour

of 7:30 p.m. at which time and place all persons had an opportunity to appear and object to the vacation described in Section 1.

Section 4. It is hereby found that the City Council and the Community Service Department have complied with ORS Chapter 271 regarding the procedures followed in this proceeding and that the grant of the requested street vacation will not prejudice the public interest.

Section 5. The vacation is subject to the reservation of a perpetual fifteen (15) foot wide utility easement centered on the existing sanitary sewer line. The vacation is further subject to the reservation of a perpetual ten (10) foot wide slope and utility easement centered five (5) feet north of the centerline of Myrtle Avenue. Said slope and utility easement being located in the western 100 feet of the vacation area.

Section 6. 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.

Section 7. It is hereby declared to be in the best interest of the City of Coos Bay to vacate; and the City of Coos Bay does hereby vacate the portion of Myrtle Avenue described in Section 1, in the City of Coos Bay, Coos County, Oregon.

Section 8. This Ordinance shall take effect 30 days from and after its passage and approval by the Mayor.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 16th day of January, 1996, by the following vote:

YES: Mayor Verger, Councilors Combs, Miller, Spangler, and Weeks

NO: None

ABSENT: Councilors Benetti and Williams

Joanne Verger
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST:

Joyce Jansen
City Clerk of the City of Coos Bay
Coos County, Oregon