

ORDINANCE NO. 230

AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF SOUTH 6TH STREET AND BENNETT STREET, 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 portions of South 6th Street and Bennett Street within the City of Coos Bay, more particularly described as follows:

That portion of South 6th Street located between the south right-of-way line of Anderson Avenue and the north right-of-way line of Bennett Street; and that portion of Bennett Street between the east right-of-way line of South 6th Street and the west right-of-way line of South 5th Street, all within the E. B. Dean & Co's Second Addition to Marshfield, Coos County, Oregon.

and set the hour of 7:00 p.m. on April 9, 1996 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 Services 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 portions of streets within the City of Coos Bay, Coos County, Oregon.

Section 2. The Community Services Department gave notice of time and place of the hearing by posting notice on stakes at the north and south ends of the vacation area on South 6th Street and the east and west ends of the vacation area on Bennett Street. Notice was also posted 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 once a week for four consecutive weeks beginning with the March 11, 1996 issue and continuing through April 1, 1996, 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 April 9, 1996, in the Council Chambers of Coos Bay City Hall, at the hour of 7:00 p.m. at which time and place all persons had an opportunity to appear and object to the vacation described in Section 1.

RETURN TO: City Clerk's Office
500 Central Avenue
Coos Bay OR 97420

Section 4. After careful consideration of all testimony presented during the public

hearing, the Planning Commission recommended the City Council vacate the area described in Section 1. The Commission's recommendation included the findings of fact, and conclusions the Commission reached after closing the public hearing.

Section 5. The City Council reviewed the Planning Commission's final recommendation and the record of the public hearing during the session on May 21, 1996 and hereby adopts the Commission's findings of fact and final recommendation.

Section 6. It is hereby found that the City Council and the Community Services 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 7. The vacation is subject to the following reservations:

A perpetual nonexclusive easement for the Coos Bay North Bend Water Board, Pacific Power, GTE, Falcon Cable, their successors and assigns to lay, construct, maintain, operate, repair and improve any water main, electrical, telephone, or cable line(s) over, across, and beneath the surface of the vacated portion of South 6th Street.

A perpetual nonexclusive easement for the Coos Bay North Bend Water Board, Pacific Power, GTE, Falcon Cable, their successors and assigns to lay, construct, maintain, operate, repair and improve any water main, electrical, telephone, or cable line(s) beneath the surface of the vacated portion of Bennett Street.

A temporary nonexclusive easement for Pacific Power, GTE, their successors and assigns to maintain, operate, and repair the existing above ground electrical and telephone line(s) within the vacated portion of Bennett Street until such time building construction of the Coos Bay Public Library expansion interferes with the above ground utility line.

If construction of the Coos Bay Public Library expansion requires the replacement, relocation, modification, or encasement of any existing utility line(s) below the ground level of the vacated portion of Bennett Street, the property owner will be responsible for the reasonable cost associated with such replacement, relocation, modification, or encasement of the utility line(s) according to standard engineering practices.

Section 8. The City Manager shall have prepared within a reasonable time an intelligible map of the property hereby vacated and the City Clerk shall cause the map to be filed with this ordinance in the office of the County Clerk, Coos County, Oregon.

Section 9. 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 South Sixth Street and Bennett Street described in Section 1, in the City of Coos Bay, Coos County, Oregon.

Section 10. 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 21st day of May 1996, by the following vote:

YES:

NO:

ABSENT:

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