

This is a certified copy.

Joyce Jansen, Deputy Recorder

ORDINANCE NO. 247

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

The City of Coos Bay ordains as follows:

Section 1. Brent Pierce, desires to vacate a portion of Birch Avenue within the City of Coos Bay, more particularly described as follows:

Beginning at the southwest corner of lot 9, block 10, Perham Park addition to City of Marshfield, Coos County, Oregon, according to the map and plat thereof on file and of record in the office of the county Clerk, Coos County Oregon; thence easterly, approximately 120' along the northern right of way of Birch Avenue to the southeast corner of lot 11, block 10, of the previously named plat; thence southerly approximately 60' to the northeast corner of lot 6, block 19 of the previously named plat; thence westerly, approximately 120', along the southern right of way line of Birch Avenue to the northwest corner of lot 8, block 10, of the previously named plat; thence northerly, approximately 60' to the point of beginning.

Section 2. The City Council of the City of Coos Bay set the hour of 7 p.m. December 9, 1997 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 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, upon recommendation by the Planning Commission, to vacate the above-mentioned portion of street within the City of Coos Bay, Coos County, Oregon, as follows:

(a) The Community Service Department gave notice of time and place of the hearing by posting notice on November 14, 1997 labeled "Notice of Street Vacation" at the intersection of Birch Avenue & North 14th Street, the intersection of Cedar Avenue and North 14th Street and posting on the bulletin board in the City Hall for the City of Coos Bay. The notices were posted in a conspicuous place where they could be easily read.

RETURN TO: Deputy Recorder's Office
City of Coos Bay
500 Central Avenue
Coos Bay OR 97420

(b) 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 November 8, 1997 issue and continuing through the November 29, 1997 as shown on the affidavit of publication which is attached hereto as "Exhibit A" and incorporated herein by reference.

Section 4. Public hearing was held before the Coos Bay Planning Commission on December 9, 1997, in the Council Chambers of Coos Bay City Hall, at the hour of 7 p.m. at which time and place all persons had an opportunity to appear and object to the vacation.

Section 5. After careful consideration of all evidence and testimony presented during the public hearing, the Planning Commission concluded that the public interest would not be prejudiced by vacation and 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 6. The City Council reviewed the Planning Commission's final recommendation and the record of the public hearing during the session on January 6, 1998 and hereby adopts the following findings of fact and conclusions of law of the Commission:

- (a) Brent Pierce has submitted the notarized signatures of the abutting property owners of two-thirds in area of the property embraced within the plat proposed to be vacated;
- (b) Notice procedures under ORS 271.110 have been complied with on this proceeding.
- (c) The grant of the requested street vacation will not prejudice the public interest.

Section 7. Pursuant to Resolution 90/91-14 of the Port of Coos Bay, an Oregon municipal corporation, the Port Commission of the Port of Coos Bay approves of the vacation of the portion of Birch Avenue described in Section 1.

Section 8. 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 9. It is hereby declared that the vacation of the portion of Birch Avenue described in Section 1 will not be prejudiced by the vacation thereof, and that such vacation is in the best interest of the City of Coos Bay, and that the City of Coos Bay does hereby vacate the portion of Birch Avenue described in Section 1.

Section 10. This Ordinance shall take effect 30 days after enactment by the Council and signature by the Mayor.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 6th day of
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January 1998, by the following vote:

Yes: Mayor Joanne Verger, Councilors Joe Benetti, Jeff McKeown, Cindi Miller,
Kevin Stufflebean, Don Spangler, and Judy Weeks

No: None

Absent: None

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

ATTEST:

Joyce Jansen
Deputy Recorder of the City of Coos Bay
Coos County, Oregon