

ORDINANCE NO. 266

AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF AN UNDEVELOPED STREET BETWEEN BLOCKS 43 AND 44 OF NASBURG ADDITION TO MARSHFIELD AND BLOCKS 43 AND 44 OF BENNETT ADDITION TO MARSHFIELD, ALL WITHIN THE CITY OF COOS BAY, OREGON.

The City of Coos Bay ordains as follows:

Section 1. W. J. Conrad Lumber Company Inc. has filed a petition for the vacation of North 2nd Street between Fir Avenue and Greenwood Avenue, within the City of Coos Bay, more particularly described as follows:

Parcel 1 - being that portion of N. 2nd St. lying within the plat of Nasburg's Addition to Marshfield, City of Coos Bay, Coos County, Oregon beginning at the southeast corner of Block 44, Nasburg's Addition to Marshfield; thence, northerly along the west right-of-way line of N. 2nd. St. a distance of 190.67 feet to the north boundary of Nasburg's Addition to Marshfield; said point also being the point of beginning for parcel 2; thence, along said plat boundary, South 51⁰ East to the east right-of-way line of N. 2nd St.; thence, southerly along the said right-of-way line a distance of 142.08 feet to the southwest corner of Block 43, Nasburg's Addition to Marshfield; thence, westerly a distance of 60 feet to the point of beginning.

Parcel 2 - being that portion of N. 2nd St. and Block 44 lying within the plat of Bennett's Addition to Marshfield, City of Coos Bay, Coos County, Oregon beginning at the intersection of the west right-of-way line of N. 2nd St. and the south plat boundary of Bennett's Addition to Marshfield; thence, northerly along said right-of-way line a distance of 49.19 feet; thence, along a curve to the left having a radius of 60 feet to a point on the north line of Block 44, Bennett's Addition to Marshfield (said point also being on the south right-of-way line of Greenwood Ave. vacated by City Ordinance No. 2203 and recorded in Bk. 310, Pg. 694, Coos County Deed Records); thence, easterly along the said vacated right-of-way line a distance of 60.12 feet to the northeast corner of Block 44; thence, northerly along the west right-of-way line of N. 2nd St. extended to the south right-of-way line of the relocated Oregon Coast Highway, also being U.S. Hwy. No. 101; thence, southeasterly along the said right-of-way line of Oregon Coast Highway to the centerline of N. 2nd St. extended; thence, southerly along the centerline of N. 2nd St.

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

(also being the west line of N. 2nd St. vacated by City Ordinance 1547 and recorded in Bk. 139 , Pg. 274, Coos County Deed Records) to the

intersection with the south line extended of Lot 11, Block 43, Bennett's Addition to Marshfield; thence, easterly a distance of 30 feet to the southwest corner of the said Lot 11; thence, southerly along the east right-of-way line of N. 2nd St. a distance of 107.92 feet to the south plat boundary of Bennett's Addition to Marshfield; thence, along said plat boundary North 51° West to the point of beginning.

Section 2. The City Council of the City of Coos Bay set the hour of 7:00 p.m. October 13, 1998 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 consider, upon recommendation by the Planning Commission, to vacate the above-described street within the City of Coos Bay, Coos County, Oregon, as follows:

(1) The Community Service Department gave notice of time and place of the hearing before the Planning Commission by posting notice on September 14, 1998 labeled "Notice of Street Vacation" at the intersection of Greenwood Avenue and North Bayshore Drive and the intersection of North 2nd and Fir Avenue, 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.

(2) Notice of time and place of the hearing before the Planning Commission was mailed to all the affected property owners, as defined by Oregon law, on September 22, 1998 and was also published in The World, a newspaper of general circulation printed and published in Coos Bay, Oregon, once a week for four consecutive weeks beginning with the September 14, 1998 issue and continuing through October 6, 1998 issue, 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 October 13, 1998, 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 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, subject to the retention a 20 foot access easement from North Bayshore Drive to Lot 8, Block 44 Nasburg's Addition to Marshfield and the transfer of ownership of a 125 foot sanitary sewer main located in the North 2nd Street right-of-way to W.J. Conrad Lumber Company, Inc.

Section 6. Having reviewed the Planning Commission's findings of fact, conclusions and final recommendation and the record of the public hearing held on November 17, 1998, the City Council hereby adopts the following findings of fact and conclusions of the Commission:

(1) W. J. Conrad Lumber Company Inc. 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.

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

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

Section 7. Having reviewed the Planning Commission's conditions of approval as stated in the Final Recommendation reached during the session on November 17, 1998, the City Council hereby retains the following easements as a condition of the vacation:

(1) The City of Coos Bay hereby reserves a perpetual, non-exclusive utility easement for the installation, maintenance, repair, and improvement of utilities, including, but not limited to sewer mains and other related appurtenances, such easement being ten feet to the right of and ten feet to the left of the centerline the sanitary sewer main, as installed on the effective date of this ordinance and located within the above-described parcels.

(2) The City of Coos Bay hereby reserves a perpetual, non-exclusive easement for ingress and egress from North Bayshore Drive to Lot 8, Block 44, Nasburg's Addition to Marshfield, such easement being 20 feet in width, and located 10 feet to the left of and 10 feet to the right of the centerline of the sanitary sewer line main, as installed on the effective date of this ordinance and located within the above-described parcels.

Section 8. The Port Commission of the Port of Coos Bay has consented to the vacation of the above-described street.

Section 9. 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 10. It is hereby declared that public interest will not be prejudiced by the vacation of the above-described street, 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 11. 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 17th day of November 1998, by the following vote:

Yes:	Mayor Verger and Councilors Joe Benetti, Jeff McKeown, Cindi Miller, Don Spangler, Kevin Stufflebean, and Judy Weeks
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No:	None
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Absent:	None
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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

State of Oregon)
County of Coos)
City of Coos Bay)

On this 18th day of November, 1998, before me personally appeared the within named Joanne Verger, Mayor of the City Coos Bay, and Joyce Jansen, Deputy 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 _____