

ORDINANCE NO. 274

AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF SOUTH 10TH STREET BETWEEN BLOCKS 61, LOTS 25-40 AND BLOCK 54, LOTS 1-16 OF THE RAILROAD ADDITION TO MARSHFIELD, ALL WITHIN THE CITY OF COOS BAY, OREGON.

The City of Coos Bay ordains as follows:

Section 1. Coos Bay School District No. 9 filed a petition for the vacation of South 10th Street between Hall Avenue and Ingersoll, within the City of Coos Bay, more particularly described as follows:

Beginning at the Southeast corner of Lot 21, Block 61, Railroad Addition to Marshfield; thence, East along the northerly line of Ingersoll Avenue a distance of 14.00 feet to a point located on the westerly line of 10th Street; thence, North along said westerly line of 10th Street a distance of 100.00 feet to the TRUE POINT OF BEGINNING; thence, continue North along said westerly line of 10th Street a distance of 475.00 feet, more or less to a point located on the southerly terminus of the previously vacated portion of 10th Street; thence, East along said southerly line a distance of 51.00 feet, thence, South along the easterly line of 10th Street a distance of 475.00 feet thence, West a distance of 51.00 feet to the TRUE POINT OF BEGINNING.

Section 2. The City Council of the City of Coos Bay set the hour of 7:00 p.m. July 20, 1999 in the Council Chambers of the City Hall in Coos Bay, Oregon, as the time and place for a public hearing before the City Council 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 Services 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 Services Department gave notice of time and place of the hearing before the Planning Commission by posting notice on April 9, 1999 labeled "Notice of Street Vacation" at the intersection South 10th Street and Hall Avenue and the intersection of South 10th Street and Ingersoll 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.

Return to: Deputy Recorder
500 Central Avenue
Coos Bay OR 97420

(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 April 20, 1999 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 April 10th 1999 issue and continuing through the May 1, 1999 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 May 11, 1999, 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, with the following conditions:

- (a) Access existing as of the effective date of this ordinance shall be preserved in substantially the same form, for the purpose of access by emergency vehicles, and shall at no time be blocked, reduced, removed or otherwise impaired; and
- (b) School District 9 shall enter into perpetual, non-exclusive easements with all affected utilities, for the purpose of constructing, maintaining, operating, repairing and improving any and all utilities and any appurtenances thereof, located on, over, across and beneath the property vacated by this ordinance.

Section 6. Having reviewed the Planning Commission's findings of fact, conclusions and final recommendation and the record of the public hearing held on May 11, 1999, the City Council hereby adopts the following findings of fact and conclusions of the Commission:

- (1) Coos Bay School District No. 9 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 May 11, 1999, the City Council hereby imposes the following as a conditions of the vacation:

- (1) The City of Coos Bay hereby reserves a perpetual, non-exclusive easement for the installation, maintenance, operation, repair, and improvement of city-owned 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 parcel.

(2) Access existing as of the date of enactment of this ordinance shall be preserved in substantially the same form for the purpose of access by emergency vehicles, and shall at no time be blocked, reduced, removed or otherwise impaired;

(3) School District 9 shall enter into perpetual, non-exclusive easements with all affected utilities, for the purpose of constructing, maintaining, operating, repairing and improving any and all utilities and any appurtenances thereof, located on, over, across and beneath the property vacated by this ordinance.

Section 8. The Port Commission of the Port of Coos Bay has consented to the vacation of the above-described street as stated in Resolution 90/91 -14 adopted March 20, 1991.

Section 9. The Community Services Department 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 upon the latest date of the recording of any easement imposed as a condition of this vacation in the deed records of Coos County, State of Oregon, or 30 days after enactment by the Council and signature by the Mayor, whichever is later.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 20th day of July 1999, by the following vote:

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

ATTEST:

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

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