

ORDINANCE NO. 280

AN ORDINANCE PROVIDING FOR THE VACATION THE NORTH 195 FEET OF ALLEY LOCATED SOUTH OF FIR AVENUE BETWEEN NORTH 8TH STREET AND NORTH 9TH STREET, ABUTTING LOTS 1-4 AND 15-18, BLOCK 2, SUBDIVISION OF BLOCK "A", SENGSTACKEN ADDITION TO MARSHFIELD, ALL WITHIN THE CITY OF COOS BAY, OREGON.

The City of Coos Bay ordains as follows:

Section 1. Bill and Carole Campbell filed a petition for the vacation of 195 feet of alley south of Fir Avenue, between North 8th Street and North 9th Street, within the City of Coos Bay, more particularly described as follows:

Beginning at the northeast corner of Lot 18, Block 2, Subdivision of Block "A", Sengstacken Addition to Marshfield, said point also being located on the south right-of-way line of Fir Avenue; thence, easterly along said right-of-way line extended a distance of 10 feet to the northwest corner of Lot 1, Block 2; thence, leaving said right-of-way, southerly a distance of 195 feet to the southwest corner of Lot 4, Block 2; thence, westerly 10 feet to the southeast corner of Lot 15, Block 2; thence, northerly 195 feet to the point of beginning. Containing 1,950 square feet and all lying within the platted alley of Block 2, Subdivision of Block "A", Sengstacken Addition to Marshfield, Coos County, Oregon.

Section 2. The City Council of the City of Coos Bay set the hour of 7:00 p.m. August 10, 1999 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 Services Department provided notice of the hearing as prescribed in ORS Sections 271.080 - 271.120, which notice declared the Council's intention to consider, upon recommendation by the Planning Commission, the vacation of the above-described street within the City of Coos Bay, Coos County, Oregon, as follows:

(1) The Community Service Department gave notice of the time and place of the hearing before the Planning Commission by posting notice on July 9, 1999 labeled "Notice of Street Vacation" at the south end of the proposed vacation area and the north end of the alley on Fir Avenue and on the bulletin board in City of Coos Bay City Hall. The notices were posted in a conspicuous place where they could be easily read.

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

(2) Notice of the time and place of the hearing before the Planning Commission was mailed

to all affected property owners, as defined by Oregon law, on July 19, 1999 and was also published once a week for four consecutive weeks beginning with the July 15, 1999 issue and continuing through the August 3, 1999 issue in The World, a newspaper of general circulation printed and published in Coos Bay, Oregon,, 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 August 10, 1999, in the Council Chambers of Coos Bay City Hall, at the hour of 7:00 p.m., at which time and place all interested 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.

Section 6. Having reviewed the Planning Commission's findings of fact, conclusions and final recommendation and the record of the public hearing held on August 10, 1999, the City Council hereby adopts the following findings of fact and conclusions of the Commission:

- (1) Petitioners have submitted the notarized signatures of the owners of abutting property and of not less than two-thirds in the 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 alley vacation will not prejudice the public interest.

Section 7. The Port Commission of the Port of Coos Bay has consented to the vacation of the above-described alley as stated in Resolution 90/91 -14 adopted March 20, 1991.

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 public interest will not be prejudiced by the vacation of the above-described alley, 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 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 21st day of September 1999, by the following vote:

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

No: None

Absent: Councilor Cindi Miller

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 _____ day of September, 1999, 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 _____