

**ORDINANCE NO. 281**

**AN ORDINANCE PROVIDING FOR THE VACATION OF THE ALLEY NORTH OF MYRTLE AVENUE BETWEEN NORTH 6TH STREET AND NORTH 7TH STREET, ABUTTING LOTS 6-23, BLOCK 15, NASBURG'S ADDITION TO MARSHFIELD, ALL WITHIN THE CITY OF COOS BAY, OREGON.**

The City of Coos Bay ordains as follows:

**Section 1.** Familian Northwest filed a petition for the vacation of the alley north of Myrtle Avenue between North 6th Street and North 7th Street, within the City of Coos Bay, more particularly described as follows:

Beginning at the Southeast corner of Lot 15, Bock 15, Nasburg's Addition to Marshfield, said point also being on the north right-of-way line of Myrtle Avenue; thence, northwesterly 225 feet to the northeast corner of Lot 23, Block 15; thence, northeasterly 10 feet to the northwest corner of Lot 6, Block 15; thence, southeasterly 225 feet to the southwest corner of Lot 14, Block 15, said point also being on the north right-of-way line of Myrtle Avenue; thence, along said right-of-way line 10 feet to the point of beginning. Containing 2,250 square feet and all lying within the platted alley of Block 15, Nasburg's 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 alley on Myrtle Avenue and the north end of the proposed vacation area and on the bulletin board City of Coos Bay City Hall. The notices were posted in a conspicuous place where they could be easily read.

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

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

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) Petitioner has submitted the notarized signatures of the owners of abutting property owners and 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 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.

**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, Don Spangler, Kevin Stufflebean, and Judy Weeks
No:	None
Abstain:	Councilor Jeff McKeown
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 \_\_\_\_\_