

ORDINANCE NO. 294

AN ORDINANCE PROVIDING FOR THE VACATION OF MYRTLE AVENUE BETWEEN NORTH 7TH STREET AND NORTH 8TH STREET, ABUTTING LOTS 1 THROUGH 7, BLOCK 14, NASBURG'S ADDITION TO MARSHFIELD AND LOTS 1 AND 7, BLOCK 1, TOWN OF NORTH FERNDAL ADDITION, ALL WITHIN THE CITY OF COOS BAY, OREGON.

The City of Coos Bay ordains as follows:

Section 1. Steve Plinski filed a petition for the vacation of Myrtle Avenue between North 6th Street and North 8th Street and the vacation of North 7th Street, north of Myrtle for a distance of approximately 225 feet. All found in Section 22DD and Section 27AA, Township 25 South, Range 13 West of the Willamette Meridian, Coos County Oregon, within the City of Coos Bay.

However, only a portion of the request, Myrtle Avenue between North 7th Street and North 8th Street, is considered for vacation, more particularly described as follows:

Beginning at the southwest corner of Block 1, Town of North Ferndale, thence, along the south line of said Block 1 North 87° 58' East a distance of 255.5 feet to the southeast corner of Block 1; thence, southeasterly along the west right-of-way line of N. Seventh St. extended, South 41° East a distance of 37.5 feet to the south plat line of the Town of North Ferndale, said point also being the centerline of Myrtle Ave.; thence, South 87° 58' West along said centerline a distance of 279.76 feet to the east right-of-way line of N. Eighth St. extended; thence, North a distance of 30 feet to the Point of Beginning. Containing 7915 square feet and being within the Southeast Quarter of the Southeast Quarter of Section 22, Township 25 South, Range 13 West, W.M., Coos County, Oregon.

Together with that parcel described as follows:

Beginning on the plat line common to the Town of North Ferndale and Nasburg's Addition and the west right-of-way line of N. Seventh St. extended, said point also being the centerline of Myrtle Ave.; thence, South 57° 25' East a distance of 52.80 feet to the northeast corner of Block 14, Nasburg Addition; thence, South 87° 58' West a distance of 323.22 feet to the northwest corner of Block 14, said point also being the east right-of-way line of N. Eighth St.; thence, along said right-of-way line North a distance of 30 feet to the centerline of Myrtle Ave.; thence, North 87° 58' East a distance of 279.76 feet to the Point of Beginning. Containing 9045 square feet and being within the Northeast Quarter of the Northeast Quarter of Section 27, Township 25 South, Range 13 West, W.M., Coos County, Oregon.

Section 2. On April 4, 2000 the City Council of the City of Coos Bay set the hour of 7:00 p.m. May 9, 2000 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.

RETURN TO: Deputy Recorder
City of Coos Bay
500 Central Avenue
Coos Bay OR 94720

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 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 April 7, 2000 labeled "Notice of Street Vacation" at the south end of North 7th Street on Myrtle Avenue; East end of Myrtle Avenue on North 6th Street; North end of proposed vacation on North 7th Street; North 8th at Myrtle Avenue 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 April 19, 2000 and was also published once a week for four consecutive weeks beginning with the April 14th issue and continuing through the May 2, 2000 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 May 9, 2000, 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 be prejudiced by the vacation Myrtle Avenue, between North 6th Street and North 7th Street and the vacation of North 7th Street north of Myrtle Avenue and recommended the City Council not vacate that portion of the proposed area.

Section 6. 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 Myrtle Avenue, between North 7th Street and North 8th Street and recommended the City Council vacate that portion of the proposed area, as described above.

Section 7. Having reviewed the Planning Commission's findings of fact, conclusions and final recommendation and the record of the public hearing held on May 9th, 2000, 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 a portion of the requested street vacation will not prejudice the public interest.

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

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 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 6th day of June 2000, by the following vote:

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

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 June 2000 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 _____