

ORDINANCE NO. 308

AN ORDINANCE PROVIDING FOR THE VACATION OF THE NORTH 15-FEET OF DIVISION AVENUE, BETWEEN SEAGATE STREET AND AUGUSTINE STREET, ABUTTING LOT 5, BLOCK 15, IN THE UNRECORDED VEERKAMP LINE TRACTS, SECTION 17DA, TOWNSHIP 25 SOUTH, RANGE 13 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON.

The City of Coos Bay ordains as follows:

Section 1. Catherine and Len Spencer filed a petition for the vacation of a portion of Division Avenue, between Seagate Street and Augustine Street, within the City of Coos Bay, more particularly described as follows:

Beginning at the Southeast corner of Lot 5, Block 15, in the Unrecorded Veerkamp Line Tracts; thence, West along the northerly line of Division Avenue a distance of 100 feet to Southwest corner of Lot 5; thence, South a distance of 15.00 feet; thence, East distance of 100.00 feet; thence, North a distance of 15.00 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. May 8, 2001 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 Department of Community Services 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 Department of Community Services gave notice of time and place of the hearing before the Planning Commission by posting notice on April 6, 2001 labeled "Notice of Street Vacation" at the intersection of Augustine Street and Division and on Division Avenue 100 feet west of Augustine Street 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 April 17, 2001 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 7, 2001 issue and continuing through the April 28, 2001 issue, as shown on the affidavit of publication which is attached hereto as "Exhibit A" and incorporated herein by reference.

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

Section 4. Public hearing was held before the Coos Bay Planning Commission on May 8, 2001, 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 condition:

(a) Prior to any development on Lot 5, Block 15, in the Unrecorded VeerKamp Line Tracts, sufficient documentation and plans be submitted to Community Services to assure that the existing drainage problem will not be exacerbated by the development.

Section 6. Having reviewed the Planning Commission's findings of fact, conclusions and final recommendation and the record of the public hearing held on June 5, 2001, the City Council hereby adopts the following findings of fact and conclusions of the Commission:

(1) Catherine and Len Spencer 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 condition of approval as stated in the Final Recommendation reached during the session on May 8, 2001, the City Council hereby imposes the as indicated in Section 5.

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 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, whichever is later.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 5th day of June, 2001, by the following vote:

Yes: Mayor Benetti and Councilors Anna Marie Larson, Jeff McKeown, Cindi Miller, Don Spangler and Judy Weeks
No: None
Absent: Councilor Kevin Stufflebean

Joe Benetti,
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 2001 before me personally appeared the within named Joe Benetti, Mayor of the City of 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: _____