

ORDINANCE NO. 327

AN ORDINANCE PROVIDING FOR THE VACATION OF THE NORTH 100-FEET OF BRULE STREET, LYING NORTH OF LINDBERG AVENUE, ABUTTING LOT 1, BLOCK 1, IN THE OCEAN BOULEVARD HEIGHTS SUBDIVISION, SECTION 21CB, TOWNSHIP 25 SOUTH, RANGE 13 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON.

The City of Coos Bay ordains as follows:

Section 1. The city of Coos Bay initiated the vacation of a portion of Brule Street, lying north of Lindberg Avenue, within the City of Coos Bay, more particularly described as follows:

Beginning at the Southwest corner of Lot 1, Block 1 in the Ocean Boulevard Heights Subdivision; thence, West a distance of 60 feet, thence North along the westerly line of Brule Street to the terminus of the right of way, a distance of approximately 100 feet; thence, East to the Northwest corner of Lot 1, Block 1 in the Ocean Boulevard Heights Subdivision; thence, South along the easterly line of Brule Street to the POINT OF BEGINNING.

Section 2. The City Council of the City of Coos Bay set the hour of 7:00 p.m. August 13, 2002 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 to consider, upon recommendation by the Planning Commission, to vacate the above-described street within the City of Coos Bay, Coos County, Oregon, as follows:

A. The Department of Community Services gave notice of time and place of the hearing before the Planning Commission by posting notice on July 17, 2002 labeled "Notice of Street Vacation" at the intersection of Lindberg Avenue and Brule Street and on Brule Street 100 feet north of Lindberg 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.

B. 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 July 22, 2002 and was also published in The World, a newspaper of general circulation printed and published in Coos Bay, Oregon, once a week for two consecutive weeks beginning with the July 19, 2002 issue and continuing through the July 26, 2002 issue, as shown on the affidavit of publication which is attached hereto as "Exhibit A" and incorporated herein by reference.

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

Section 4. Public hearing was held before the Coos Bay Planning Commission on August 13, 2002, 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:

An utility easement, at least 10 feet in width, must be provided by the owner(s) of the property described in MR#1998-53036 and the vacated right of way, to the owner of Block 1, Lot 1 of the Ocean Boulevard Heights Subdivision, for the maintenance and repair of the lateral sewer line serving Lot 1.

Section 6. Having reviewed the Planning Commission's findings of fact, conclusions and final recommendation and the record of the public hearing held on September 3, 2002, the City Council hereby adopts the following findings of fact and conclusions of the Commission:

- A. Notice procedures under ORS 271.110 have been complied with.
- B. 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 August 13, 2002, the City Council hereby imposes the condition as indicated in Section 5.

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 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 10. 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 September 3, 2002, by the following vote:

Yes:	Mayor Benetti and Councilors Jon Eck, Roger Gould, Anna Marie Larson, Jeff McKeown, and Kevin Stufflebean
No:	None
Absent:	Councilor Cindi Miller

Joe Benetti, Mayor
City of Coos Bay, Coos County, Oregon

ATTEST:

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

State of OREGON)
County of COOS)
City of Coos Bay)

On this _____ day of September, 2002 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: _____