

**CITY OF COOS BAY CITY COUNCIL
Agenda Staff Report**

MEETING DATE February 16, 2016	AGENDA ITEM NUMBER
--	---------------------------

TO: Mayor Shoji and City Council

FROM: Eric Day, Community Development Director

THROUGH: Rodger Craddock, City Manager

**ISSUE: PUBLIC HEARING ON A PROPOSAL TO VACATE PENNSYLVANIA AVENUE
BETWEEN SOUTHWEST BLVD AND SOUTH 13TH STREET**

BACKGROUND

The proposed vacation was sent to the planning Commission to review by Council motion on December, 1 2015, at the request of the applicant. The Planning Commission held a public hearing on January 12, 2016, and voted unanimously to recommend approval of the proposed vacation which extends along Pennsylvania Ave between Southwest Blvd. and 13th Street.

The attached “Notice of Planning Commission Recommendation” addresses the decision criteria, and establishes the findings and conclusion for the proposed vacation (*Attachment A*). As indicated in the notice, the Coos Bay/North Bend Water Board, Pacific Power and the, City’s Fire Department and Engineering Departments have no objections to the proposed vacation. There are no underground utilities located within the proposed vacation area.

Pennsylvania Avenue is platted to be 60-feet in width. Currently the right of way is undeveloped, except for a small area near Southwest Blvd that is used as part of a turn-a-round driveway. Access to property in the area inside the City limits, is from South 13th Street. Access to property outside the City limits south of Pennsylvania Avenue would be from Iowa Avenue (See aerial map – *Attachment*)

ADVANTAGE

Vacating the right-of-way as proposed would slightly increase property taxes.

DISADVANTAGE

The area proposed for vacation would not be available for public purposes in the future.

BUDGET IMPLICATIONS

The application fee (\$795) and publishing fee (\$265) was paid by the applicants at the time the applications were submitted. The recording fee, if approved, of approximately \$66 will be paid by the City.

ACTION REQUESTED

If it pleases the City Council, **enact the attached Ordinance** approving the proposed vacation of Pennsylvania Avenue, located between Southwest Blvd and South 13th Street, found in Section 3AC, Township 26, Range 13 West of the Willamette Meridian, Coos County, Oregon

ATTACHMENTS:

- A - Final Recommendation by the Planning Commission
- B - Staff Report with attachments
- C - Draft Ordinance with exhibits
- D - Draft Planning Commission Minutes



City of Coos Bay

Community Development Dept.

500 Central Ave., Coos Bay, Oregon 97420
Phone (541) 269-8918 Fax (541) 269-8916

NOTICE OF PLANNING COMMISSION RECOMMENDATION STREET VACATION

- APPLICATION:** Vacation #187-ZON15-045
- APPLICANT:** Georgeann Hoeger, 270 N. Malena Drive, Orange, CA 92869
William J. Bouska, 270 N. Malena Drive, Orange, CA 92869
- PROPOSAL:** **Filed on November 3, 2015**
Vacate the portion of Pennsylvania Avenue, located between Southwest Blvd and South13th Street, found in Section 3AC, Township 26, Range 13 West of the Willamette Meridian, Coos County, Oregon.
- RECOMMENDATION:** January 12, 2016 the Planning commission recommended approval for the proposed vacation as described above
- Final Vote:
Yea: *Chairman Phil Marler, Commissioners Christina Coles, Katherine Flores, Jeff Marineau, Rex Miller and John Peery.*
Nay: None **Abstain:** None
- APPEAL PROVISIONS:** Page 2.
- DECISION CRITERIA AND THE COMMISSION'S ADOPTED FINDINGS OF FACT, CONCLUSIONS:** See pages 3-4

FINAL RECOMMENDATION

Based on the applicant's submittal, attached herein by reference, and the Findings and Conclusions in Exhibit A, recommend City Council approve the proposed vacation of Pennsylvania Avenue, located between Southwest Blvd and South13th Street, found in Section 3AC, Township 26, Range 13 West of the Willamette Meridian, Coos County, Oregon.

APPEAL PROVISION

The final decision will be made by the City Council, and the decision may be appealed to the Land Use Board of Appeals pursuant to ORS 197.830.

Questions regarding the appeal procedure may be directed to the Community Development Department, City Hall, 500 Central, Coos Bay, Oregon or phone (541) 269-8918.

DECISION PROCESS - EFFECTIVE DATE

The Planning Commission makes a recommendation to the City Council after hearing public testimony and addressing the decision criteria applicable for the proposed street vacation.

The Council shall review the record and affirm, amend, or reverse the Commission recommendation, or remand the matter back for further consideration. Upon approval of the proposed vacation, the City Council shall have prepared an ordinance declaring the changes. The proposed changes will become effective 30 days after the enactment of the ordinance.

Sincerely,
CITY OF COOS BAY

Debbie Erler, Planner 1

Date January 15, 2016

EXHIBIT "A"

DECISION CRITERION #1: Consent of the affected property owners has been obtained.

STATEMENTS OF FACT AND FINDINGS:

- 1a. The City received the required notarized signatures of all abutting property owners and the required notarized signatures of property owners in the affected area as required by CBMC, Chapter 17.375.020.

CONCLUSION: Notarized consent of the affected property owners was received. The decision criterion has been adequately addressed and approval can be supported.

DECISION CRITERION #2: Notice has been duly given.

STATEMENTS OF FACT AND FINDINGS:

- 2a. On December 1, 2015 the Coos Bay City Council initiated the vacation process at the applicant's request.
- 2b. The Community Development Department has given notice of the hearings in accordance with Coos Bay Municipal Code (CBMC) Chapter 17.300 and state statute. Notice of the time and place of the hearings were:
- Mailed to all property owners within 250 feet of the area to be vacated on December 21, 2015 for the Planning Commission hearing and will mail notice on February 5, 2016 for the City Council hearing.
 - Published in "The World" newspaper on December 29, 2015 and January 5, 2016
 - Posted in the area of the vacation on December 31, 2015 (Pennsylvania Avenue at Southwest Blvd and South 13th Street), and posted on the bulletin board at Coos Bay City Hall and Coos Bay Library.

CONCLUSION: All notice required by the Coos Bay Municipal Code and state statute has been given or will be given when due. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERION #3: The proposal does not conflict with the comprehensive plan, including the adopted Coos Bay Transportation Plan, or other ordinances.

STATEMENTS OF FACT AND FINDINGS:

- 3a. After reviewing the city's comprehensive plan, and other ordinance provisions, city staff did not find any specific conflicts between the city's regulations and the proposed vacation.

CONCLUSION: The decision criterion has been adequately addressed and Approval of the proposal can be supported.

DECISION CRITERION #4: The public interest will not be prejudiced by the vacation.

STATEMENTS OF FACT AND FINDINGS:

- 4a. Pennsylvania Avenue ends at South 13th Street and does not extend to the main channel of Coal Bank Slough. The City limits line is on the south side of this portion of Pennsylvania Avenue right-of-way (*Attachment B – Aerial map*).
- 4b. The proposed vacation is not located within 1,000 feet of the harbor and pierhead lines, therefore per Oregon International Port of Coos Bay Resolution 90/91-14 approval is authorized.
- 4c. Platted access to property inside and outside the City limits in the area would be from South 13th Street north and east of Pennsylvania Avenue. Platted access to property outside the City limits south of Pennsylvania Avenue would be from Iowa Avenue (*Attachment C - Tax lot map*).
- 4d. The City received an e-mail from Michael Smith, Estimator Pacific Power dated December 28, 2015 indicating the vacation of the portion of Pennsylvania Ave listed below will not have any immediate effects on Pacific Power. Tax lot #4400 could be affected, although they could get power from 13th Street if needed. They are the only adjacent lot that doesn't currently have power service. Your map indicates that you will not be vacating that portion of Pennsylvania Ave that is near tax lot #4400 (*Attachment D*).
- 4e. The City received an e-mail from Mr. Ron Hoffine, Coos Bay North Bend Water Board dated December 23, 2015 indicating they do not have any facilities within that section of Pennsylvania. Properties adjacent can be served from our mains in Southwest Blvd and the unnamed street easterly. They do not object to the vacation (*Attachment E*).
- 4f. A written response dated January 4, 2016 from the City of Coos Bay Engineering Department indicates there are no sanitary sewer or storm drain lines in the area proposed to be vacated and they do not object to the vacation(*Attachment f*).
- 4g. A written response dated January 4, 2016 from the City of Coos Bay Operations Department indicates they do not object to the vacation (*Attachment g*).
- 4h. A written response dated December 28, 2015 from the Northwest Natural Gas indicates they have no gas lines in the Englewood area beyond Southwest Blvd and Montana Avenue (*Attachment H*).
- 4i. Published notice, posted notice and mailed notice of hearings concerning the proposed vacation was provide to the public and affected utility agencies with an opportunity to express their opinions concerning a proposed vacation. The notice indicated written comments may be submitted prior to the hearing.

CONCLUSION: Pennsylvania Avenue does not extend to the Coal Bank slough. There are no aboveground or underground utilities in the area proposed to be vacated and access to property inside and outside the City limits would have platted access from either South 13th Street or Iowa Avenue. The decision criterion has been adequately addressed and approval of the proposal can be supported.



City of Coos Bay
Community Development Dept.
500 Central Ave., Coos Bay, Oregon 97420
Phone (541) 269-8918 Fax (541) 269-8916

STAFF REPORT

Street Vacation

TO: Planning Commission

FROM: Debbie Erler, Planner
Community Development Department

HEARING DATE/TIME: Tuesday, January 12, 2016 at 6:00 p.m.

LOCATION: Coos Bay City Council Chambers
500 Central Avenue, Coos Bay

APPLICANT: Georgeann Hoeger, 270 N. Malena Drive, Orange, CA 92869
William J. Bouska, 270 N. Malena Drive, Orange, CA 92869

APPLICATION: **VACATION #187-ZON2015-045 – Filed on November 3, 2015**
It is proposed to vacate the portion of Pennsylvania Avenue, located between Southwest Blvd and South 13th Street, found in Section 3AC, Township 26, Range 13 West of the Willamette Meridian, Coos County, Oregon.

REQUEST:

The applicant is requesting approval to vacate a portion of Pennsylvania Avenue as referenced above.

DECISION PROCESS:

The Planning Commission will make a recommendation to the City Council after hearing public testimony and addressing the applicable decision criteria from Coos Bay Municipal Code (CBMC) Chapter 17.375.

DECISION CRITERIA:

Each of the decision criteria listed below will be followed by findings or justification statements which may be approved by the Planning Commission to support their conclusions. Although each of the findings or justification statements specifically apply to at least one of the decision criteria, any of the statements may be used to support the Commission's final decision.

Based on their conclusions, the Commission will make a recommendation to approve, approve with conditions, or deny the application. Conditions may be used by the Commission in order to address concerns about the proposed request.

DECISION CRITERION #1: Consent of the affected property owners has been obtained.

STATEMENTS OF FACT AND FINDINGS:

- 1a. The City received the required notarized signatures of all abutting property owners and the required notarized signatures of property owners in the affected area as required by CBMC, Chapter 17.375.020.

CONCLUSION: Notarized consent of the affected property owners was received. The decision criterion has been adequately addressed and approval can be supported.

DECISION CRITERION #2: Notice has been duly given.

STATEMENTS OF FACT AND FINDINGS:

- 2a. On December 1, 2015 the Coos Bay City Council initiated the vacation process at the applicant's request.
- 2b. The Community Development Department has given notice of the hearings in accordance with Coos Bay Municipal Code (CBMC) Chapter 17.300 and state statute. Notice of the time and place of the hearings were:
- Mailed to all property owners within 250 feet of the area to be vacated on December 21, 2015 for the Planning Commission hearing and will mail notice on February 5, 2016 for the City Council hearing.
 - Published in "The World" newspaper on December 29, 2015 and January 5, 2016
 - Posted in the area of the vacation on December 31, 2015 (Pennsylvania Avenue at Southwest Blvd and South 13th Street), and posted on the bulletin board at Coos Bay City Hall and Coos Bay Library.

CONCLUSION: All notice required by the Coos Bay Municipal Code and state statute has been given or will be given when due. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERION #3: The proposal does not conflict with the comprehensive plan, including the adopted Coos Bay Transportation Plan, or other ordinances.

STATEMENTS OF FACT AND FINDINGS:

- 3a. After reviewing the city's comprehensive plan, and other ordinance provisions, city staff did not find any specific conflicts between the city's regulations and the proposed vacation.

CONCLUSION: The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERION #4: The public interest will not be prejudiced by the vacation.

STATEMENTS OF FACT AND FINDINGS:

- 4a. Pennsylvania Avenue ends at South 13th Street and does not extend to the main channel of Coal Bank Slough. The City limits line is on the south side of this portion of Pennsylvania Avenue right-of-way (*Attachment B – Aerial map*).
- 4b. The proposed vacation is not located within 1,000 feet of the harbor and pierhead lines, therefore per Oregon International Port of Coos Bay Resolution 90/91-14 approval is authorized.
- 4c. Platted access to property inside and outside the City limits in the area would be from South 13th Street north and east of Pennsylvania Avenue. Platted access to property outside the City limits south of Pennsylvania Avenue would be from Iowa Avenue (*Attachment C - Tax lot map*).
- 4d. The City received an e-mail from Michael Smith, Estimator Pacific Power dated December 28, 2015 indicating the vacation of the portion of Pennsylvania Ave listed below will not have any immediate effects on Pacific Power. Tax lot #4400 could be affected, although they could get power from 13th Street if needed. They are the only adjacent lot that doesn't currently have power service. Your map indicates that you will not be vacating that portion of Pennsylvania Ave that is near tax lot #4400 (*Attachment D*).
- 4e. The City received an e-mail from Mr. Ron Hoffine, Coos Bay North Bend Water Board dated December 23, 2015 indicating they do not have any facilities within that section of Pennsylvania. Properties adjacent can be served from our mains in Southwest Blvd and the unnamed street easterly. They do not object to the vacation (*Attachment E*).
- 4f. A written response dated January 4, 2016 from the City of Coos Bay Engineering Department indicates there are no sanitary sewer or storm drain lines in the area proposed to be vacated and they do not object to the vacation(*Attachment f*).
- 4g. A written response dated January 4, 2016 from the City of Coos Bay Operations Department indicates they do not object to the vacation (*Attachment g*).
- 4h. A written response dated December 28, 2015 from the Northwest Natural Gas indicates they have no gas lines in the Englewood area beyond Southwest Blvd and Montana Avenue (*Attachment h*).
- 4i. Published notice, posted notice and mailed notice of hearings concerning the proposed vacation was provide to the public and affected utility agencies with an opportunity to express their opinions concerning a proposed vacation. The notice indicated written comments may be submitted prior to the hearing.

CONCLUSION: Pennsylvania Avenue does not extend to the Coal Bank slough. There are no aboveground or underground utilities in the area proposed to be vacated and access to property inside and outside the City limits would have platted access from either South 13th Street or Iowa Avenue. The decision criterion has been adequately addressed and approval of the proposal can be supported.

Staff prepared the preceding report based on the applicant's submittal and information that is available in City Hall. These findings and information may be used by the Commission to justify their final decision.

STAFF RECOMMENDATION

Based on the Findings and Conclusions set forth above, the Planning Commission recommends the City Council approve Vacation application #187-ZON15-045, for the vacation of the portion of Pennsylvania Avenue, located between Southwest Blvd. and South 13th Street, found in Section 3AC, Township 26, Range 13 West of the Willamette Meridian, Coos County, Oregon.



Debbie Erler, Planner
Community Development Department

Date: January 5, 2016

- Attachments:
- A - Applicant's submittal
 - B - Aerial /Tax lot overlay with storm/sewer lines and city limits lines.
 - C - Tax Lot Map #26-13-3AC
 - D - Pacific Power reply dated December 28, 2015
 - E - Coos Bay North Bend Water Board response dated December 23, 2015
 - F - Coos Bay Engineering Dept. response dated January 4, 2016
 - G- Coos Bay Operations Dept. response dated January 4, 2016
 - H - Northwest Natural response dated December 28, 2015

c: Applicants, Dave Perry, DLCD



Disclaimer:
 This document is produced using a Geographic Information System (GIS). The data contained herein is intended to be a graphical representation only and is by no means an official survey or legal interpretation thereof. The City of Coos Bay provides this data in good faith and makes no warranties, guarantees or representations of any kind, either expressed or implied, as to the content, accuracy, completeness or reliability of this data.

Date: 12/28/2015

Image Date: 7/6/2010

**ATTACHMENT B
 AREA MAP WITH FEATURES**



1 inch = 130 feet

Agenda Item #5

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SW1/4 NE1/4 SEC. 3 T26S T13W W.M.
COOS COUNTY

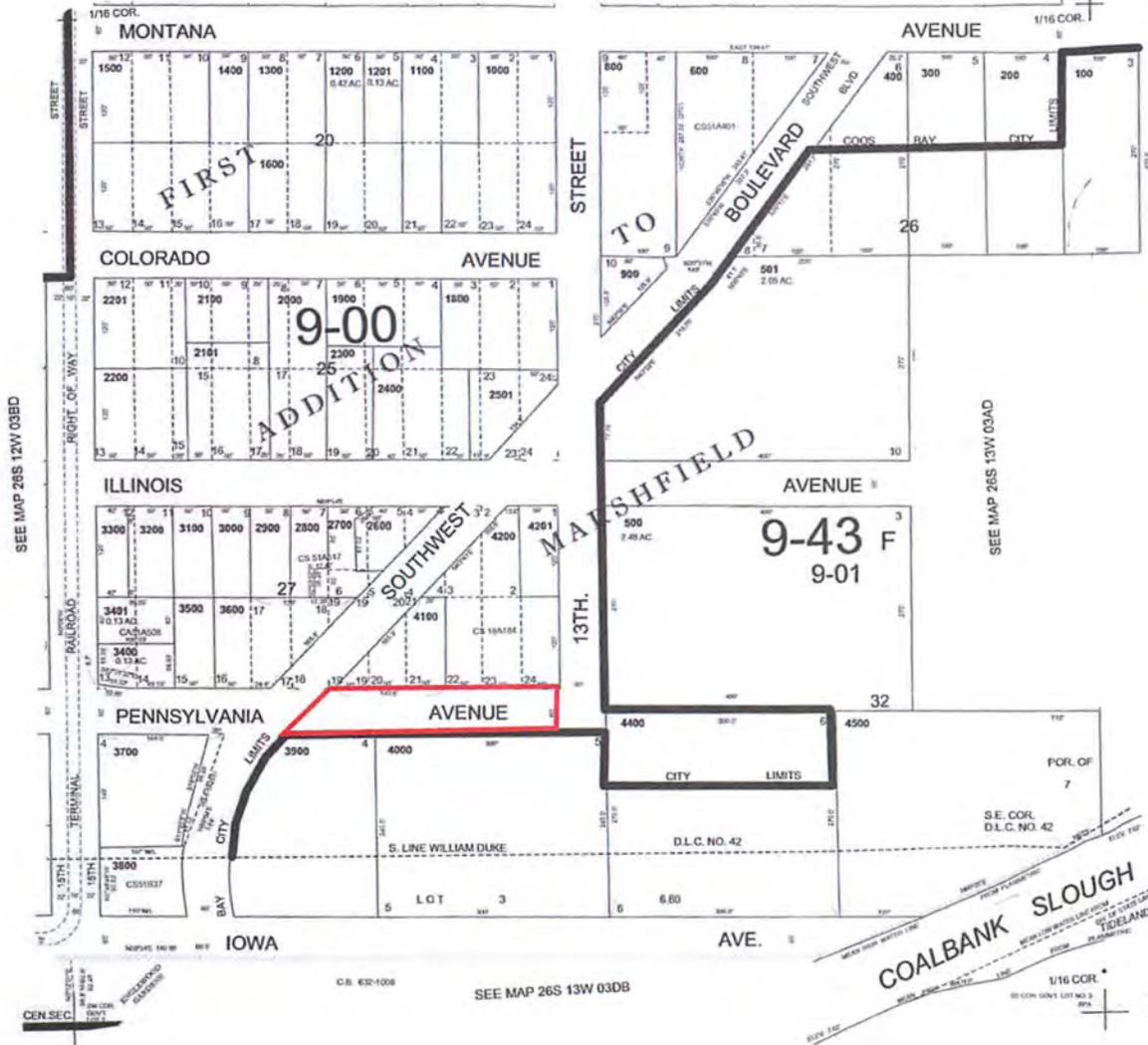
1" = 100'

SEE MAP 26S 13W 03AB

26S 13W 3AC
COOS BAY

CANCELLED NO.

- 4600
- 4300
- 1901
- 700
- 1700
- 2301
- 2502
- 2500
- 2401
- 2302
- 3402
- 3403
- 2801
- 2701



ATTACHMENT C

From: [Smith, Michael \(Coos Bay\)](#)
To: [Debbie Erler](#)
Subject: RE: Proposed Vacation of a Portion of Pennsylvania Avenue
Date: Monday, December 28, 2015 9:27:30 AM
Attachments: [26S 13W 3AC tax map.pdf](#)

Debbie,

The vacation of the portion of Pennsylvania Ave listed below will not have any immediate effects on Pacific Power.

Tax lot #4400 could be affected, although they could get power from 13th Street if needed. They are the only adjacent lot that doesn't currently have power service. Your map indicates that you will not be vacating that portion of Pennsylvania Ave that is near tax lot #4400. See attached tax map.

Thanks,

MICHAEL SMITH, ESTIMATOR
PACIFIC POWER, A DIVISION OF PACIFICORP
135 W. LOCKHART AVE
COOS BAY, OREGON 97420
DESK PH. 541-267-1830
FAX 541-267-1838
PH. 888-221-7070 (BUSINESS CENTER)
E-mail address: Michael.Smith@PacifiCorp.com

From: Debbie Erler [mailto:deberler@coosbay.org]
Sent: Wednesday, December 23, 2015 1:09 PM
To: ron_hoffine@cbnbh2o.com; Mark Anderson; linda.kennedy@nwnatural.com; Smith, Michael (Coos Bay)
Subject: [INTERNET] Proposed Vacation of a Portion of Pennsylvania Avenue

This message originated outside of Berkshire Hathaway Energy's email system. Use caution if this message contains attachments, links or requests for information. Verify the sender before opening attachments, clicking links or providing information.

Please review and comment. Thank you and have a wonderful Christmas.

Debbie Erler, Planner
City of Coos Bay
Community Development
derler@coosbay.org
phone 541.269.1181 x 2259
fax 541.269.8916

ATTACHMENT D

From: [Ron Hoffine](#)
To: [Debbie Erler](#)
Subject: RE: Proposed Vacation of a Portion of Pennsylvania Avenue
Date: Wednesday, December 23, 2015 2:57:14 PM

Debbie:

We do not have any facilities within that section of Pennsylvania. Properties adjacent can be served from our mains in Southwest Blvd and the unnamed street easterly. We do not object to the vacation. Thank you the opportunity for review.

And Merry Christmas backatcha!

From: Debbie Erler [mailto:deberler@coosbay.org]
Sent: Wednesday, December 23, 2015 1:09 PM
To: ron_hoffine@cbnbh2o.com; Mark Anderson; linda.kennedy@nwnatural.com; Pacific Power (Michael.Smith@PacifiCorp.com)
Subject: Proposed Vacation of a Portion of Pennsylvania Avenue

Please review and comment. Thank you and have a wonderful Christmas.

Debbie Erler, Planner
City of Coos Bay
Community Development
derler@coosbay.org
phone 541.269.1181 x 2259
fax 541.269.8916

ATTACHMENT E

From: [Jennifer Wirsing](#)
To: [Debbie Erler](#); [Mark Anderson](#); [Randy Dixon](#)
Subject: RE: Proposed Vacation of a Portion of Pennsylvania Avenue
Date: Monday, January 04, 2016 1:30:36 PM

There is no existing storm or sewer, however not sure about other utilities. But with that said, I don't have any objection or concerns.

Jennifer Wirsing, PE*
Wastewater Project Engineer
City of Coos Bay - Public Works & Development Department
500 Central Avenue 97420
Phone 541-269-1181 Ext 2247 / Fax 541-267-8237
jwirsing@coosbay.org
*Professional Registration: CA

From: Debbie Erler
Sent: Monday, January 04, 2016 11:45 AM
To: Jennifer Wirsing; Mark Anderson; Randy Dixon
Subject: FW: Proposed Vacation of a Portion of Pennsylvania Avenue
Importance: High

Any comments regarding the proposed vacation? I will be completing my report by 2:00 today.

From: Debbie Erler
Sent: Monday, December 28, 2015 10:17 AM
To: Mark Anderson; linda.kennedy@nwnatural.com; Jennifer Wirsing; Randy Dixon
Subject: RE: Proposed Vacation of a Portion of Pennsylvania Avenue
Importance: High

Please review the attached written notice/area map and provide a written comment/reply by Monday, January 4, 2016. Thank you and have a happy New Year.

Debbie Erler, Planner
City of Coos Bay
Community Development
derler@coosbay.org
phone 541.269.1181 x 2259
fax 541.269.8916

ATTACHMENT F

From: [Randy Dixon](#)
To: [Jennifer Wirsing](#); [Debbie Erler](#); [Mark Anderson](#)
Subject: RE: Proposed Vacation of a Portion of Pennsylvania Avenue
Date: Monday, January 04, 2016 2:26:06 PM
Attachments: [image003.png](#)

Debbie,

Operation has no issue with vacation request. Thanks.

Randy Dixon, Operations Administrator
Public Works and Development Department
500 Central Avenue, Coos Bay, OR 97420
Office: (541) 269-1181 Ext. 2201
Cell: (541) 260-4580
rdixon@coosbay.org



PUBLIC RECORDS LAW DISCLOSURE: Emails are generally public records and therefore subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. Emails can be sent inadvertently to unintended recipients and contain confidential or privileged information. If you are not the intended recipient (or authorized to receive for the recipient), please advise by return email and delete immediately without reading or forwarding to others. Thank you.

From: Jennifer Wirsing
Sent: Monday, January 04, 2016 1:31 PM
To: Debbie Erler; Mark Anderson; Randy Dixon
Subject: RE: Proposed Vacation of a Portion of Pennsylvania Avenue

There is no existing storm or sewer, however not sure about other utilities. But with that said, I don't have any objection or concerns.

Jennifer Wirsing, PE*
Wastewater Project Engineer
City of Coos Bay - Public Works & Development Department
500 Central Avenue 97420
Phone 541-269-1181 Ext 2247 / Fax 541-267-8237
jwirsing@coosbay.org
*Professional Registration: CA

From: Debbie Erler
Sent: Monday, January 04, 2016 11:45 AM
To: Jennifer Wirsing; Mark Anderson; Randy Dixon

ATTACHMENT G

Agenda Item #5

From: [Brownlie, Teresa](#)
To: [Debbie Erler](#)
Subject: RE: [External]FW: Proposed Vacation of a Portion of Pennsylvania Avenue
Date: Monday, December 28, 2015 1:20:56 PM

Debbie,

We do not have gas beyond Southwest Blvd and Montana Ave.

Thank you,

Teresa

From: Debbie Erler [mailto:deberler@coosbay.org]
Sent: Monday, December 28, 2015 11:24 AM
To: Brownlie, Teresa
Subject: [External]FW: Proposed Vacation of a Portion of Pennsylvania Avenue
Importance: High

From: Debbie Erler
Sent: Monday, December 28, 2015 10:17 AM
To: Mark Anderson; linda.kennedy@nwnatural.com; Jennifer Wirsing; Randy Dixon
Subject: RE: Proposed Vacation of a Portion of Pennsylvania Avenue
Importance: High

Please review the attached written notice/area map and provide a written comment/reply by Monday, January 4, 2016 . Thank you and have a happy New Year.

Debbie Erler, Planner
City of Coos Bay
Community Development
derler@coosbay.org
phone 541.269.1181 x 2259
fax 541.269.8916

ATTACHMENT H

ORDINANCE NO. ____

AN ORDINANCE PROVIDING FOR THE VACATION OF THE PENNSYLVANIA AVENUE BETWEEN SOUTHWEST BLVD AND SOUTH 13TH STREET IN THE FIRST ADDITION TO MARSHFIELD, FOUND IN SECTION 3AC, TOWNSHIP 26, RANGE 13 WEST OF THE WILLAMETTE MERIDIAN, COOS COUNTY, OREGON.

The City of Coos Bay ordains as follows:

Section 1. Georgeann Hoeger filed a petition for the vacation of the portion of Pennsylvania Avenue, between Southwest Blvd and South 13th Street, within the City of Coos Bay, more particularly described as follows:

Beginning at the southeast corner of Lot 24, Block 27, in the plat of First Addition to Marshfield, Coos County, Oregon; thence Southerly 60 feet along the west right of way line of 13th Street extended to the south right of way line of Pennsylvania Avenue; thence Westerly along the south right of way line of Pennsylvania Avenue to the east right of way of Southwest Boulevard; thence Northeasterly along the east right of way line of Southwest Boulevard to the north right of way of Pennsylvania Avenue; thence Easterly 292 feet, more or less, along the north right of way line of Pennsylvania Avenue to the point of beginning.

Section 2. The City Council of the City of Coos Bay set the hour of 6:00 p.m. on January 12, 2016 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 Development 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, to vacate the above-described right of way within the City of Coos Bay, Coos County, Oregon, as follows:

(1) The City of Coos Bay Community Development Department gave notice of time and place of the hearings before the Planning Commission on December 18, 2015 and the City Council on February 5, 2016 by posting notice on December 29, 2016 labeled "Notice of Street Vacation" at the intersection of Pennsylvania Avenue at Southwest Blvd and South 13th Street, and posting on the bulletin board in the City Hall for the City of Coos Bay and the Coos Bay Library. The notices were posted in a conspicuous place where they could be easily read.

(2) Notice was published in The World, a newspaper of general circulation printed and published in Coos Bay, Oregon, once a week for two consecutive weeks in the December 29, 2015 and January 5, 2016 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

(3) 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 December 18, 2015.

(4) Notice of time and place of the hearing before the City Council was mailed to all the affected property owners, as defined by Oregon law, on February 5, 2016.

Section 4. The public hearing was held before the Coos Bay Planning Commission on January 16, 2016, in the Council Chambers of Coos Bay City Hall, at the hour of 6:00 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.

Section 6. Per Resolution 90/91-14 adopted March 20, 1991 the International Port of Coos Bay approves all proposed vacation of streets, alleys, public places, and parts thereof within the cities of Coos Bay and North Bend which are in excess of 1,000 feet from the harbor and pier head line of the Port.

Section 7. The public hearing was held before the City Council on February 16, 2016 and after having reviewed the Planning Commission's findings of fact, conclusions and final recommendation and the record of the public hearing held on January 12, 2016, the City Council hereby adopts the following findings of fact, conclusions and Condition of the Commission:

(1) Georgeann Hoeger submitted the required notarized signatures of the 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) The proposal does not conflict with the comprehensive plan, including the adopted Coos Bay transportation system plan, or other ordinances.

(4) Granting the requested street vacation will not prejudice the public interest.

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 as "Exhibit "B".

Section 9. It is hereby declared that public interest will not be prejudiced by the vacation of the above-described portion of Pennsylvania Avenue, 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 _____ day of February 2016 by the following vote:

Yes:

No:

Absent:

Crystal Shoji,
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST:

Susanne Baker
Recorder of the City of Coos Bay
Coos County, Oregon

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

On this _____ day of _____ before me personally appeared the within named Crystal Shoji, Mayor of the City of Coos Bay, and Susanne Baker, 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: _____

EXHIBIT "A"

AFFIDAVIT OF PUBLICATION

The World

Lee Enterprises - Coos County
350 Commercial Ave. Coos Bay, OR 97420
P.O. Box 1840, Coos Bay, OR 97420

JAN 11 2016

STATE OF OREGON - COUNTY OF COOS

City of Coos Bay
Attn: Debbie Erler
500 Central Ave
Coos Bay, OR 97420

REFERENCE: 60005035/ 20285053

I, Brittiany Sizemore, first duly sworn, deposed and say that I am the Legal Advertising Clerk for THE WORLD, a newspaper of general circulation published at Coos Bay, Oregon, in the aforesaid county and state; that I know from my personal knowledge that the Notice is Hereby Given, was published in the entire issue of said newspaper Two time(s) in the following issue(s):

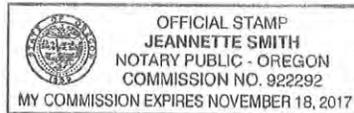
PUBLISHED: December 29, 2015 & January 05, 2016

TOTAL COST: \$234.53

Brittiany Sizemore
Legal Clerk, Brittiany Sizemore

Subscribed and sworn to before this 05th day of January, 2016

J. L. Smith
Jeannette L. Smith
Notary Public of Oregon - 922292
My Commission expires: 18th day of November, 2017



FILED ON: 01/05/16

NOTICE IS HEREBY GIVEN that the Coos Bay Planning Commission and City Council will conduct public hearings at the times and locations noted below for the purpose of taking testimony on the matter of vacating the Pennsylvania Avenue, located between Southwest Blvd. and South 13th Street, found in Section 3AC, Township 26, Range 13 West of the Williamette Meridian, Coos County, OR.

Land Use #187-ZON15-045 was filed by applicant Georgeann Hoeger on November 3, 2015. The Planning Commission will make a recommendation to the City Council following a public hearing on the matter. The hearing will take place on January 12, 2016 at 6:00 p.m. in the City Council Chambers at 500 Central Avenue, Coos Bay. The City Council will consider the matter and the Planning Commission's recommendation at a public hearing which will occur on February 16, 2016 at 7:00 p.m. at the same location.

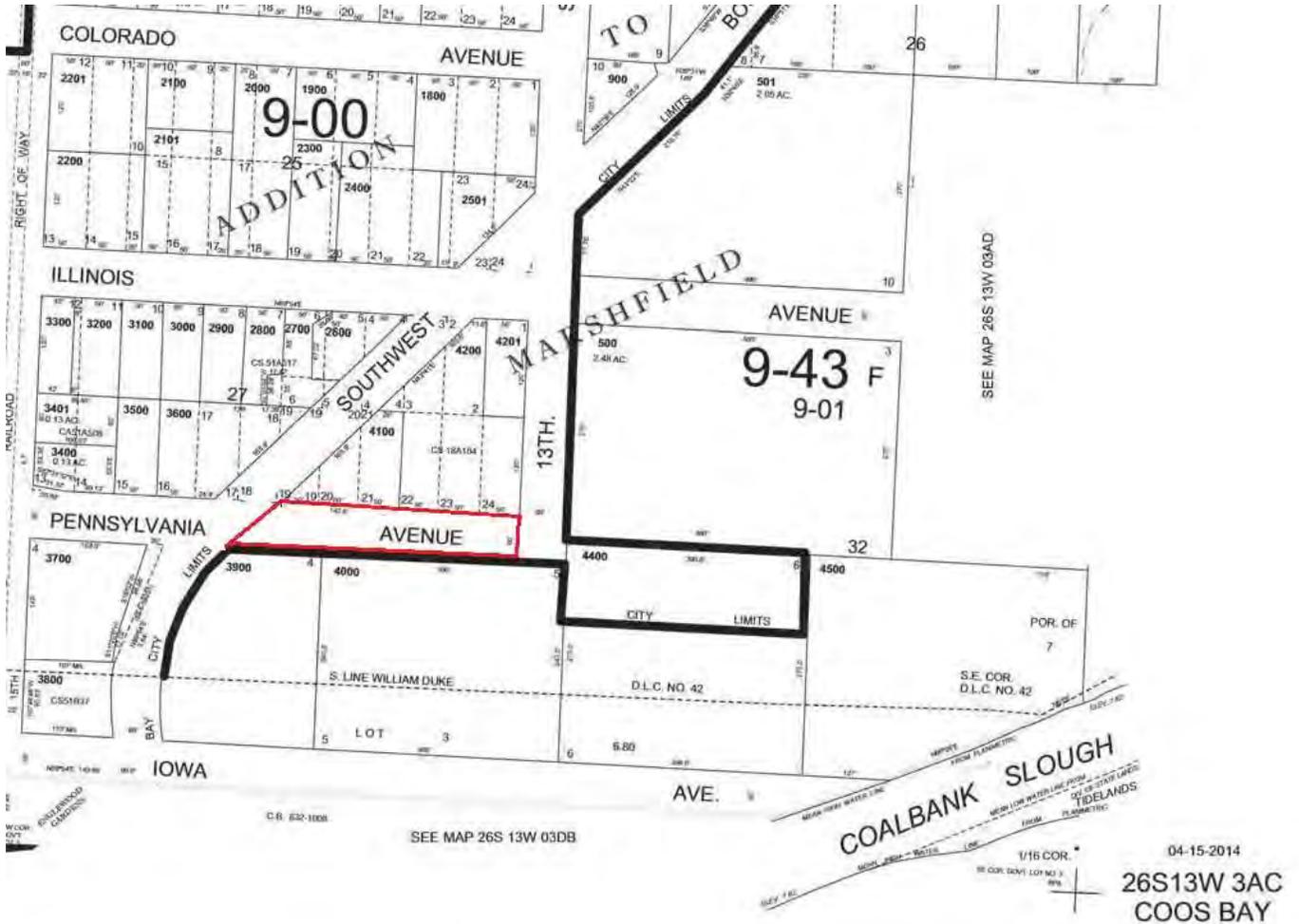
The hearings are open to the public and all interested parties are encouraged to attend. Written objections may be filed with the Community Development Department, City Hall, 500 Central Avenue, Coos Bay, prior to the hearings and will be considered at the time of the hearings. The final decision by the City Council may be appealed to the Land Use Board of Appeals pursuant to ORS 197.830. Those wishing further information shall contact Debbie Erler, Planner at 541.269.1181 extension 2259.

PUBLISHED: The World - December 29, 2015 & January 05, 2016 ONPA website (ID-20285053)

EXHIBIT "B"

AREA OF VACATION

Vacate the portion of Pennsylvania Avenue, located between Southwest Blvd and South 13th Street, found in Section 3AC, Township 26, Range 13 West of the Willamette Meridian, Coos County, Oregon.



CITY OF COOS BAY
PLANNING COMMISSION MINUTES
Tuesday, January 12, 2016 at 6:00 P.M.
Coos Bay City Hall, 500 Central Avenue, Coos Bay

ATTENDANCE

COMMISSIONERS: Chairman Christine Coles, Commissioners, Katherine Flores, Phil Marler, Jeff Marineau, Rex Miller and John Peery.

ABSENT: Commissioner Jim Berg

STAFF: Tom Dixon, Planning Administer
Debbie Erler, Planner

ITEM B: Vacation #187-ZON15-045 – The applicant, Georgeann Hoeger, is requesting approval to vacate a portion of Pennsylvania Avenue located between Southwest Blvd and South13th Street.

Chairman Marler asked if there were any objections to the Planning Commission hearing the item on jurisdictional grounds. He asked if any Planning Commissioner had ex parte contact or conflict of interest to report.

Chairman Marler opened the public hearing.

Debbie Erler read the disclosure statement and outlined the applicant's request. The applicant is requesting approval to vacate a portion of Pennsylvania Avenue located between Southwest Blvd and South13th Street.

James Edwards, lakeside, Oregon, stated his brother is an abutting property owner (Tax Lot #4100). He said the property has no real value to the City, but it would help his brother because that area is used as his back yard and it would help control access. He said someone just took a \$1,200 bike that was chained in the back yard.

Chairman Marler closed the public hearing.

MOTION: Commissioner Coles - Based on the adopted Findings, Conclusions and Conditions, as supported by the Staff Report and the applicant's submittal, attached hereto and incorporated herein by reference as Attachment "A", recommend the City Council approve the proposed Vacation Pennsylvania Avenue located between Southwest Blvd and South13th Street as submitted.

SECOND: Commissioner Miller

VOTE: Unanimous