




# City of Bandon


555 Hwy 101, PO Box 67  
Bandon, OR 97411  
(541) 347-2437

*Bandon by the Sea*

## AGENDA REPORT

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Torrey Contreras, City Manager 

**INITIATED BY:** Dana Nichols, Planning Director 

**DATE:** January 9<sup>th</sup>, 2023

**SUBJECT:** **Item Number: 4.6 REQUEST FOR CITY-INITIATED VACATION**

### BACKGROUND:

The Planning Department was contacted by Tribal One earlier this year regarding unimproved rights-of-way that abut or cross the land owned by the Coquille Indian Tribe containing the Pacific View Senior Living Community. Tribal One is requesting the city initiate a vacation of these rights-of-way. Please see their attached request.

### ANALYSIS OF THE ISSUES:

The property owner's representatives are requesting vacation of unopened city right-of-way, including an alleyway between Lincoln Ave and Jetty Road, the southern terminus of Kensington Ave, and a portion of Sixth St between Lincoln Ave and Kensington Ave. The sections are described in Attachment 2 (Exhibit A). In reviewing existing files related to the development of the adjacent parcels, it appears that the city manager at the time retained those parcels thinking they might be needed for a future access point from Jetty Road. At this time, they do not serve the City, except where the City's pump station is located. It is unclear whether the pump station is located in the alley, along the Lincoln Ave right-of-way, or on private property. The Tribe has stated a willingness to reserve an easement for the pump station, if necessary.

Should the Council choose to consider the request to initiate proceedings for the vacation of city rights-of-way, Staff would follow procedures as authorized by ORS 271.130.

### FISCAL IMPACT:

Staff would recommend that all costs associated with the vacation, including noticing, surveying, and recording, be borne by the property owner, or the representative, requesting the vacation.

### RECOMMENDATION:

The following is recommended to the City Council:

1. Review and discuss the information provided;

Request to Initiate a Vacation

January 9<sup>th</sup>, 2024

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2. If appropriate, direct staff to prepare an item for a future City Council meeting considering the feasibility of initiating the right-of-way request.

Attachments: Attachment 1: Tribal One Request to City to Initiate Right-of-Way Vacation Proceedings

Attachment 2: Exhibit A

Attachment 3: Exhibit B



December 18, 2023

Via Email: [dnichols@cityofbandon.org](mailto:dnichols@cityofbandon.org)

Bandon City Council  
c/o Dana Nichols, Planning Director  
555 Highway 101  
Bandon, Oregon 97411

Re: Request for City to Initiate Right-of-way Vacation Proceedings  
Portions of 6<sup>th</sup> Street and Kensington Street, Bandon, Oregon  
Tax Map No. 28S15W25BD

Honorable City Council Members,

In late September, our team met with City of Bandon (“City”) staff to discuss the status of some right-of-way adjacent to land owned by the Coquille Indian Tribe. Because the right-of-way is unimproved and indistinguishable from the adjacent lots, it was unclear whether the portions of street and alley had previously been vacated. Following the meeting, City staff reviewed City records and clarified that the right-of-way remains under the City’s jurisdiction despite its lack of public use. Thus, for the reasons discussed below, please accept this letter as a request for the City to initiate right-of-way vacation proceedings under ORS 271.130 for the alley and street right-of-way described below.

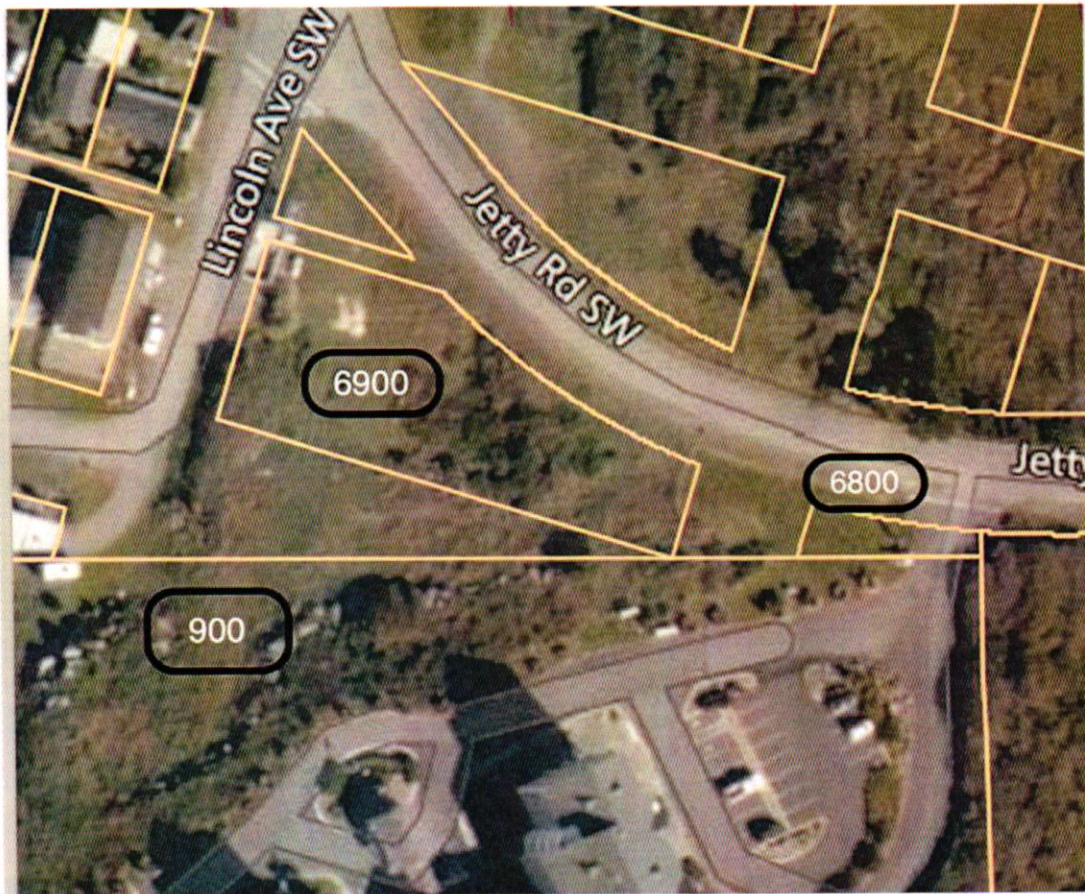
Proposed Vacation Areas

The three areas of right-of-way proposed to be vacated are located in and adjacent to Lots 900, 6800, and 6900 in Block 24 of the Amended Breakwater Addition, Coos County, Oregon as depicted on the Tax Map No. 28S15W25BD. The proposed vacation areas are generally described as follows:

- Alley – Lot 6900  
Lot 6900 is divided by an undeveloped alley. However, the City built a pump station across the alley right-of-way effectively eliminating the use of the alley. To ensure the City retains a right of access to the pump station, the Tribe is willing amend any existing easement or agree for the City to reserve an easement for the pump station.
- 6<sup>th</sup> Street between Lot 6900 and Lot 900  
The proposed vacation area is a portion of 6<sup>th</sup> Street W. located between Lincoln Avenue and Kensington Avenue. This portion of 6<sup>th</sup> Street was never constructed and due to the pattern of development in the area, will never be constructed.
- Kensington Street Terminus at Lot 900

The proposed vacation area is a portion of Kensington Avenue from Jetty Avenue to its southern terminus located in the Amended Breakwater Addition. Kensington Street terminates at Lot 900 and serves no public purpose. Also, this portion of Kensington Street is not needed for access to Lot 900 from Jetty Road because of the access easement.

The above-described rights-of-way are more particularly described and depicted on document titled "Exhibit A" enclosed with this letter. To further facilitate Council's review, below is an enlarged area generally showing the right-of-way proposed to be vacated. For reference, Tax Lot 900 is the property commonly known as Heritage Place and currently houses the Pacific View Senior Living Community. TL 6900 (also referred to as Lots 5-12 in Block 24 of the Breakwater Addition) is owned by the Coquille Indian Tribe. TL 6800 is also owned by the Tribe.



Reason for City to Initiate Vacation Proceedings

As mentioned above, the proposed vacation areas are indistinguishable from the adjacent tax lots due to landscaping and lack of development. Additionally, given the pattern of development and land use in the area, the rights-of-way will not be improved or used for their intended purposes as an alley and streets.



The Tribe is responsible for maintaining the above-referenced tax lots. The City, on the other hand, retains responsibility for maintaining the rights-of-way adjacent to the tax lots. Maintenance responsibilities generally include, among other things, Gorse removal. By vacating these three small portions of right-of-way, the City will benefit by no longer having any maintenance obligations or liability associated with the right-of-way, including any Gorse abatement. Rather, the properties may be maintained more efficiently as a whole.

Also, the Tribe has recently partnered with the Port of Bandon to recover portions of Grandmother Rock from the Bandon boat ramp project. Portions of Grandmother Rock are being restored back to its historical location near Tax Lot 900. Vacating the proposed right-of-way will enable the Tribe to continue relocating portions of Grandmother Rock to its historical origin without inadvertently disposing the rock in portions of City-owned right-of-way.

Thus, as these portions of public right-of-way have been shown to be unnecessary for public use, we respectfully request that the City Council initiate vacation procedures as identified in this letter. If you have any questions regarding this request, please contact me at 541-297-6805 or by email at [judyfarm@tribal.one](mailto:judyfarm@tribal.one).

Thank you for your consideration of this matter.

Kind regards,

Judy Farm  
CEO  
Tribal One

Encls. Tax Map No. 28S15W25BD  
Description and Depiction of Vacation Areas



Enclosure 1

Tax Map No. 28S15W25BD

[attached]



Enclosure 2

Exhibit A – Description and Depiction

[attached]

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

SE 1/4 NW 1/4 SEC. 25 T28S R15W W.M.  
COOS COUNTY

28S 15W 25BD  
BANDON

1" = 100'

CANCELLED NO.

1001	1100
3500	1000
5500	5401
7300	6802
8200	600
8300	700
200	7901
1200	3102
1300	2200
3200	4000
3000	5402
8500	5701
9200	5702
300	
400	

SEE MAP 28S 15W 25

COQUILLE RIVER  
(TIDAL LANDS)

JETTY

PACIFIC OCEAN  
TIDELANDS



SEE MAP 28S 15W 25AC

SEE MAP 28S 15W 25CA

08-29-2017

28S 15W 25BD  
BANDON

CEN. SEC.



# Exhibit A

Located at:  
SE1/4, NW1/4 Section 25, Township 28 South, Range 15 West,  
W. M., Town of Bandon, Coos County, Oregon

The intent of the following legal descriptions are to describe areas along West 6th Street between Lincoln Avenue and Kensington Avenue and Kensington Avenue lying south of Jetty Road and also the alley in Block 24, between Lincoln Avenue and Jetty Road. These parcels are located in the SE1/4, NW1/4 Section 25, Township 28 South, Range 15 West, W.M., City of Bandon, Coos County, Oregon and more particularly described thus:

**Vacation Parcel 1:**

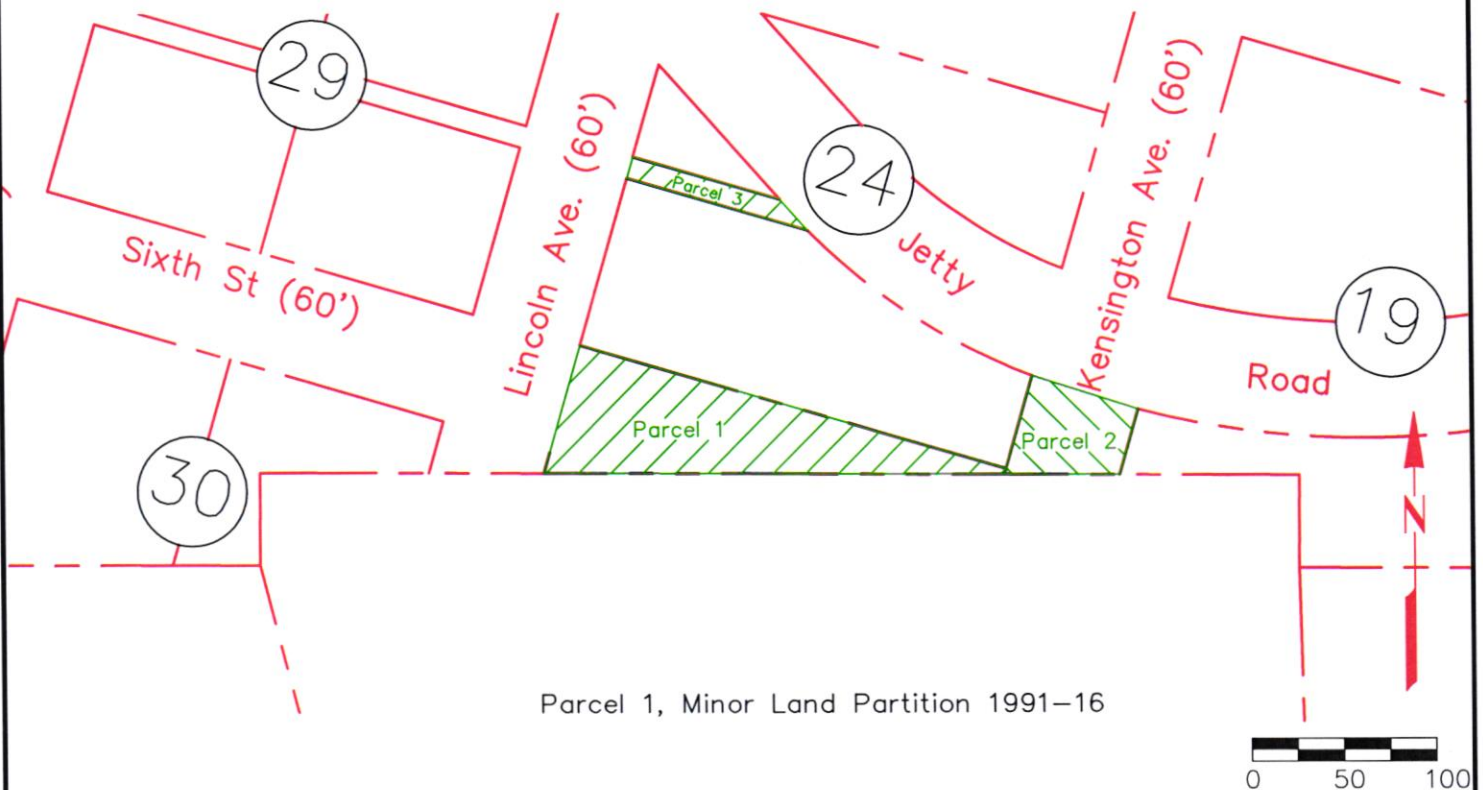
That portion of West 6th Street right of way, lying easterly of the east line of Lincoln Avenue, westerly of the west line of Kensington Avenue, southerly of Block 24, Amended Breakwater Addition and lying northerly of parcel 1, Minor Land Partition 1991-16 Coos County Surveyors office.

**Vacation Parcel 2:**

That portion of Kensington Avenue right of way, lying southerly of south line of Jetty Road and lying northerly of parcel 1, Minor Land Partition 1991-16 Coos County Surveyors office.

**Vacation Parcel 3:**

That alley way located in Block 24, lying easterly of the east line of Lincoln Avenue and westerly of the southwesterly line of Jetty Road.



Parcel 1, Minor Land Partition 1991-16

Project: **Vacation Areas**



**Pariani Land Surveying**  
PHONE: (541) 890-1131 EMAIL: JOHN@PARIANILS.COM

DRAWN BY: **JRP**    HORZ SCALE: **1" = 100'**    DATE: **4/3/2023**

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**



**OREGON**  
July 13, 1999  
**JOHN R. PARIANI**  
#51382  
Renews: **December 31, 2024**