



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: February 5th, 2023
SUBJECT: **Item Number: 4.4 REQUEST FOR CITY-INITIATED VACATION**

BACKGROUND:

The Planning Department was contacted by Tribal One 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.

At the January 9th meeting, the City Council discussed this proposal and directed staff to prepare a report assessing the feasibility of initiating the vacation request for consideration at a future meeting. Staff has prepared an analysis of the issues below.

ANALYSIS OF THE ISSUES:

The property owner's representatives, Tribal One, are requesting the vacation of unopened city rights-of-way, including an alleyway between Lincoln Ave and Jetty Road (Parcel 1), the southern terminus of Kensington Ave (Parcel 2), and a portion of Sixth St between Lincoln Ave and Kensington Ave (Parcel 3). See figure 1 below. The sections are described in greater detail in Attachment 2 (Exhibit A). In reviewing existing files related to the development of the adjacent parcels, the rights-of-way may have been retained by the city for future access points from Jetty Road.

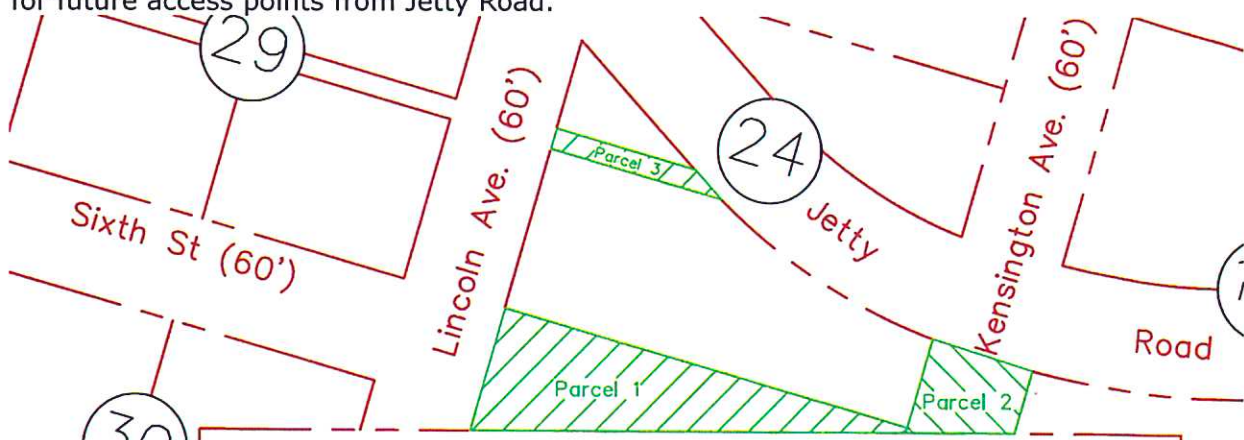


Figure 1 Vacation Plat

City Staff have found that these remnant rights-of-way do not serve a public purpose, except where the City's pump station is located along Lincoln Ave. It is unclear whether the pump station is located in the alley, along the Lincoln Ave right-of-way, or on private property. The applicant has stated a willingness to reserve an easement for the pump station, if necessary. Staff recommends that a survey be conducted prior to a public hearing to determine the exact position of the City's infrastructure in relation to the proposed vacation.

Should the Council choose to proceed with initiating a vacation, Staff would follow the procedures outlined in ORS 271.130. This states that a city governing body may initiate vacation proceedings authorized by ORS 271.080 (Vacation in incorporated cities) and make such a vacation without a petition or consent of property owners. Instead, the city must prepare a Notice of Public Hearing. This Notice is posted in three of the most public places in the city (City Hall, Bandon Library, and the Post Office) and is posted on site where the proposed vacation is to occur. The postings must occur at least 14 days in advance of the public hearing.

When a city vacates a right-of-way on their own motion, the vacation shall not be made before the date set for a public hearing, nor if a majority of the owners affected by the vacation object in writing. Additionally, the property may not be vacated without consent from the owners directly abutting the property. In this case, the property owners have asked the city to initiate these proceedings and do not object to the vacation. There are no other property owners abutting the proposed vacation.

ORS 271.130 also states that all liens and taxes must be paid on the lands covered by the portion of the land to be vacated. While this will be certified by the City Recorder for the public hearing, an initial inquiry from staff indicates that there are no liens or unpaid taxes on the underlying property.

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;
2. The Council may make a motion to initiate proceedings and direct staff to prepare notices for a public hearing at a future City Council meeting.

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

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 6th 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.
- 6th Street between Lot 6900 and Lot 900
The proposed vacation area is a portion of 6th Street W. located between Lincoln Avenue and Kensington Avenue. This portion of 6th 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 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.

Thank you for your consideration of this matter.

Kind regards,

A handwritten signature in blue ink, appearing to be "JF", is written over a circular stamp or mark.

Judy Farm
CEO
Tribal One

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



Enclosure 2
Exhibit A – Description and Depiction

[attached]

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:

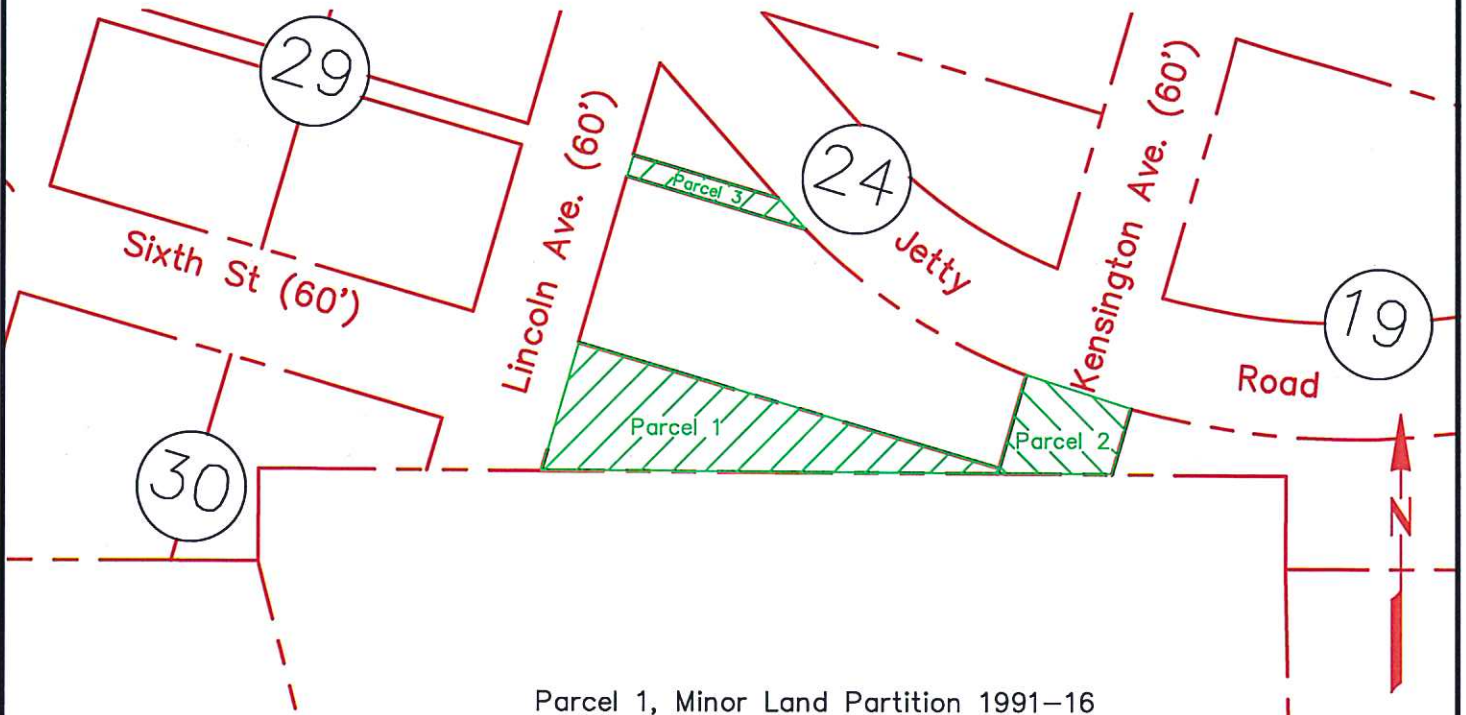
That portion of West 6th Street right of way, lying easterly of the east line of Lincoln Avenue, westerly of the west line of Kensington Avenue, southerly of Block 24, Amended Breakwater Addition and lying northerly of parcel 1, Minor Land Partition 1991-16 Coos County Surveyors office.

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:

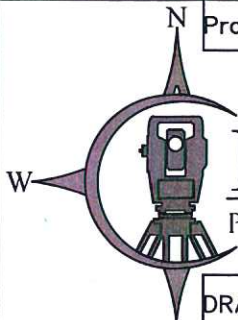
That alley way located in Block 24, lying easterly of the east line of Lincoln Avenue and westerly of the southwesterly line of Jetty Road.



Parcel 1, Minor Land Partition 1991-16

0 50 100

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**

John R. Pariani

OREGON
July 13, 1999

JOHN R. PARIANI
#51382

Renews: December 31, 2024

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'

SEE MAP 28S 15W 25

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 25CA

08-29-2017

28S 15W 25BD
BANDON

CEN. SEC.