




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: May 13, 2024

SUBJECT: **2.3 SECOND READING: ORDINANCE 1664, AN ORDINANCE VACATING A PORTION OF 6TH STREET BETWEEN LINCOLN AVENUE AND KENSINGTON AVENUE AND A PORTION OF KENSINGTON AVENUE SOUTH OF JETTY ROAD IN THE AMENDED BREAKWATER ADDITION IN THE CITY OF BANDON.**

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 requested that the City initiate a vacation of these rights-of-way.

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. This report was provided to the Council at their February 5th, 2024, meeting and a motion was made to initiate proceedings to schedule a public hearing for consideration of the matter. The initial public hearing on March 18th was continued due to receiving new information that City utilities are located in the alley.

Following comment from the City's Engineer, Dyer Partnership, City Staff removed the alley from the proposed vacation and re-posted notice of the proposal and public hearing on the City's website, on the physical site, and in three public places in the City, according to the requirements of ORS 271.110, Notice of Hearing.

The City Council held a public hearing regarding the proposed vacation on May 6th, 2024, and passed Ordinance 1664 to a second reading. The full Council must be present to enact an ordinance in the same meeting, and two Councilors were absent. The second reading was scheduled for the following Monday at a scheduled special meeting.

ANALYSIS OF THE ISSUES:

The proposal consists of certain sections of unopened city right-of-way, including the southern terminus of Kensington Ave and a portion of Sixth St between Lincoln Ave and

Kensington Ave. 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. Parcel 1 and Parcel 2 do not provide any current or future service to the City as they do not increase circulation, provide access to additional parcels, nor do they contain utilities. The original request included Parcel 3, an alleyway, which was removed from the request because it contains electric, water, and sewer utilities, in addition to a component of the sewer pump station on Lincoln Ave SW.

Staff finds that the vacation request for Parcel 1 and Parcel 2 meet the requirements of ORS 271.130, including that:

1. The vacation request was initiated by the City Council, as authorized in ORS 271.080, and any property owners abutting the proposed vacation have consented to the vacation (ORS 271.130(1)).
2. The proposed vacation consists of streets that either intersect or are parallel to each other (ORS 271.130(2)).
3. All liens and taxes have been paid on the lands covered by the portion of the land to be vacated (ORS 271.130(3)).
4. Any utilities located in the existing streets are either private or have easements already in place.

FISCAL IMPACT:

Staff recommends that all costs associated with the vacation, including noticing, surveying, and recording, be borne by the property owner, or the representative, requesting the vacation. City Staff will prepare a billing with any costs incurred for this request.

RECOMMENDATION:

The following is recommended to the City Council:

1. Request the City Attorney read Ordinance 1664 by Title only (Second Reading); and
2. Make a motion to adopt ORDINANCE 1664, AN ORDINANCE VACATING A PORTION OF 6TH STREET BETWEEN LINCOLN AVENUE AND KENSINGTON AVENUE AND A PORTION OF KENSINGTON AVENUE SOUTH OF JETTY ROAD IN THE AMENDED BREAKWATER ADDITION IN THE CITY OF BANDON, by a roll call vote.

Attachments:

- A. Ordinance 1664

ATTACHMENT A
ORDINANCE 1664

ORDINANCE NO. 1664

AN ORDINANCE VACATING A PORTION OF 6TH STREET BETWEEN LINCOLN AVENUE AND KENSINGTON AVENUE AND A PORTION OF KENSINGTON AVENUE SOUTH OF JETTY ROAD IN THE AMENDED BREAKWATER ADDITION IN THE CITY OF BANDON

WHEREAS, the City Council, after due notice as required by ORS 271.110, held a hearing on the proposed vacation a portion of 6th Street between Lincoln Avenue and Kensington Avenue and a portion of Kensington Avenue south of Jetty Road in the Amended Breakwater Addition in the City of Bandon as hereinafter described; and

WHEREAS, at the hearing held by the Council on the vacation, no objections were heard; and

WHEREAS, the Council determined that the property is not needed for access or utilities or easements already exist; and

WHEREAS, the City Recorder has filed or otherwise endorsed for such vacation a certificate showing that all city liens and all taxes have been paid on the land by the alley vacation.

NOW, THEREFORE, THE CITY OF BANDON ORDAINS AS FOLLOWS:

Section 1. The Bandon City Council agrees that it is proper and expedient that said vacation be granted with no conditions.

Section 2. The Bandon City Council agrees that the Vacations described in Attachment A shall be vacated with title to said streets attached to the area from which it was originally dedicated, pursuant to ORS 271.140.

Section 3. That the City Recorder is hereby directed to record this ordinance with the Coos County Clerk and file certified copies of this ordinance with the County Surveyor and County Assessor of Coos County, Oregon, as required by law.

PASSED to a second reading this ____ day of May 2024 on a roll call vote,

_____.

ADOPTED by the City Council this ____ day of May 2024 on a roll call vote,

_____.

Mary Schamehorn, Mayor

Attest:

June Hinojosa, City Recorder

Exhibit A

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

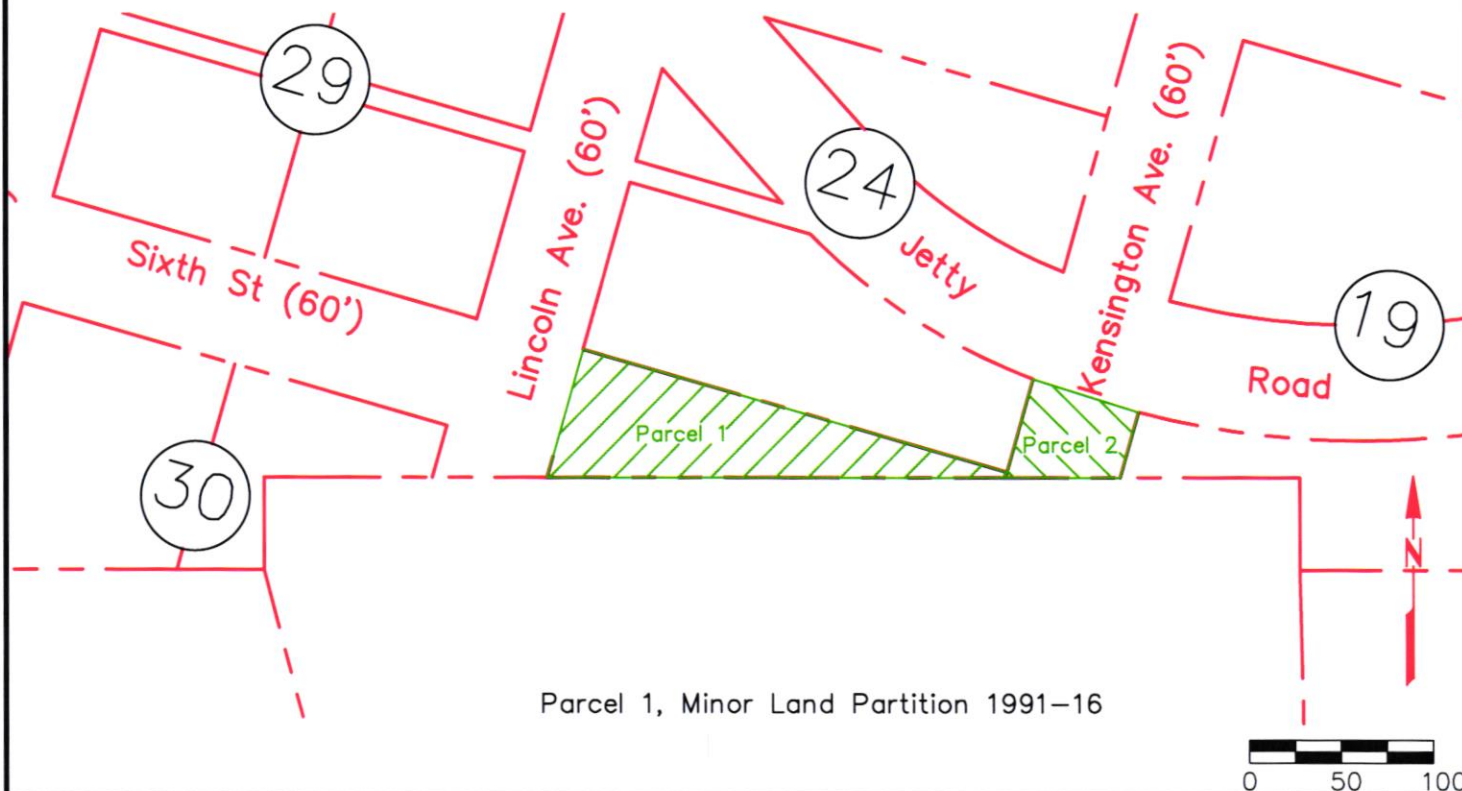
The intent of the following legal descriptions are to describe areas along West 6th Street between Lincoln Avenue and Kensington Avenue and Kensington Avenue lying south of Jetty Road. These parcels are located in the SE1/4, NW1/4 Section 25, Township 28 South, Range 15 West, W.M., City of Bandon, Coos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

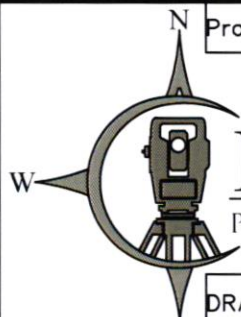
Vacation Parcel 2:

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



Parcel 1, Minor Land Partition 1991-16

Project: (2) Vacation Areas



Pariani Land Surveying

PHONE: (541) 890-1131 EMAIL: JOHN@PARIANILS.COM

DRAWN BY: JRP

HORZ SCALE: 1" = 100'

DATE: April 12, 2024

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

John R. Pariani

OREGON

July 13, 1999

JOHN R. PARIANI

#51382

Renews: December 31, 2024