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I, Dana W. Jenkins, County Clerk, do hereby certify that the within instrument was recorded in the Lincoln County Book of Records on the above date and time. WITNESS my hand and seal of said office affixed.


Dana W. Jenkins, Lincoln County Clerk



After Recording Return to:

Margaret Hawker
City Recorder
City of Newport
169 SW Coast Hwy
Newport, OR 97365

CITY OF NEWPORT
ORDINANCE NO. 2149
AN ORDINANCE VACATING
A PORTION OF SW 62nd STREET

Summary of Findings:

1. On April 12, 2019, the Southshore Owners Association submitted a petition to vacate the westerly 230-feet of the developed SW 62nd Street right-of-way in conjunction with the reconfiguration of the entrance to the Southshore Development to accommodate a single, gated entry. This is 88-feet more than what was approved with City Council Order No. 2019-1, and is being pursued by petitioner so that they can implement their preferred redesign of the vehicle turnaround as a private street.
2. The west end of the public street presently terminates in a roundabout with private, gated drives branching off to the north and south. This proposal involves the construction of a new vehicle turnaround on SW 62 Street just east of the existing roundabout, which will be owned and maintained by the Southshore Owner's Association. Once the new turnaround is in place, a single gate control structure will be built immediately to the west. The existing roundabout will then become a private drive and the two existing gates would be removed.
3. Real property abutting the right-of-way to be vacated is identified by tax lot reference and ownership, as follows:
 - A. Tax Lot 2600 of Lincoln County Assessor's Map 11-11-30-AA. The property is owned by South Shores Development, LLC.
 - B. Tax Lot 1000 of Lincoln County Assessor's Map 11-11-30-AA. The property is owned by Southshore Owners Association.
 - C. Tax Lot 1900 of Lincoln County Assessor's Map 11-11-30-AA. The property is

owned by Southshore Owners Association.

- D. Tax Lot 4200 of Lincoln County Assessor's Map 11-11-29-BB. The property is owned by Southshore Owners Association.
 - E. Tax Lot 4600 of Lincoln County Assessor's Map 11-11-29-BB. The property is owned by Southshore Owners Association.
 - F. Tax Lot 4800 of Lincoln County Assessor's Map 11-11-29-BB. The property is owned by Southshore Owners Association.
4. Criteria for approval of a street vacation petition are listed under ORS 271.120. They require that a public hearing be held to consider the question of whether the consent of the owners of the requisite area has been obtained, notice has been duly given, and if the public interest will be prejudiced by the street vacation. Further, pursuant to ORS 271.300 through 271.360 and NMC Chapter 14.26, the City must consider whether or not the street right-of-way being vacated is needed to provide public access to the Pacific Ocean.
 5. The Planning Commission held a public hearing on May 13, 2019, for the purpose of reviewing the proposed street vacation and providing a recommendation to the City Council. Notice of the hearing was published in the Newport News-Times on April 24, 2019, May 1, 2019, and May 8, 2019. Notice of the hearing was mailed to abutting and affected property owners on April 17, 2019. The Planning Commission public hearing was held in accordance with the appropriate provisions of the Newport Zoning Ordinance and, after due deliberation and consideration of the proposed vacation, the Planning Commission voted to recommend the proposed street vacation be approved, provided a utility easement is reserved over city utilities within the affected area.
 6. It has been determined that, at the present time, no City liens are existing or unpaid against the property to be vacated and, by virtue of the fact that it is a dedicated right-of-way, no taxes are unpaid thereon.
 7. The City Council fixed June 17, 2019 at 6 p.m. at the Newport City Hall, 169 SW Coast Highway, Newport, Oregon, as the time and place for a formal public hearing regarding the street vacation petition.
 8. The City Recorder gave notice of the public hearing by publishing a notice in the Newport News-Times newspaper once each week for three consecutive weeks on May 29, 2019, June 5, 2019, and June, 12, 2019 which notice described the right-of-way proposed to be vacated, the date the street vacation was initiated, the name of at least one of the petitioners (i.e. the City Council), the date of the public hearing, and the requirement that written objections or remonstrances must be filed with the City of Newport prior to the time of the hearing, in accordance with ORS 271.110(1). Notice of the hearing was mailed to affected property owners on May 15, 2019.
 9. Within five (5) days after the first day of publication of said notice in the newspaper and

not less than fourteen (14) days before the hearing date, the City caused a copy of the notice to be posted in at least two (2) conspicuous places at or near each end of the proposed vacation, in accordance with ORS 271.110(2).

10. The owners of the majority of the area affected, computed on the basis provided in ORS 271.080, have not objected in writing to the proposed vacation.
11. On June 17, 2019, at 6 p.m. at the Newport City Hall, the City Council held a public hearing in the Council Chambers on the vacation of the westerly 230-feet of the developed SW 62nd Street right-of-way and heard any written objections filed thereto, and heard oral testimony from members of the public in favor of and/or in opposition to the vacation.
12. The market value of abutting properties will not be adversely affected by the street vacation. South Shores Development, LLC and the Southshore Owners Association are the only abutting property owners and the parcels they own do not utilize SW 62nd Street as a means of access.
13. The Newport City Council finds that the public interest will not be prejudiced by the proposed vacation because SW 62nd Street serves a private, planned development where the bulk of the streets are already privately owned and maintained. As a privately owned and maintained improvement, the applicant will be able to proceed with their preferred vehicle turnaround design. Some city storm drainage infrastructure will be turned over to the applicant within the vacated area, in conjunction with construction of the new turnaround. Additionally, it is appropriate that a utility easement be reserved over the vacated area so that the city can maintain its water and sewer infrastructure.
14. Pursuant to ORS 271.300 through 271.360 and NMC Chapter 14.26, the City Council considered whether or not the right-of-way being vacated is needed to provide public access to the Pacific Ocean and found that it is not needed because there is intervening private property that prevents the right-of-way from being used for this purpose.
15. The City Council made a determination after considering the recommendation of the Planning Commission, the Planning Staff Report, and the evidence and argument presented at the public hearings and in the record, that the request is in compliance with the applicable criteria and voted to proceed with the street vacation.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Findings. The findings set forth above are hereby adopted in support of vacating the rights-of-way identified in Section 2 of this Ordinance.

Section 2. Street portions to be vacated. The following described portion of SW 62nd Street is hereby vacated:

A PORTION OF S.W. 62ND STREET (60.00 FEET WIDE) AS DEDICATED TO THE CITY OF NEWPORT ON THE PLAT OF "SOUTHSHORE", RECORDED JULY 18, 1995 IN PLAT BOOK 15, PAGES 53 THROUGH 53D, INCLUSIVE, PLAT RECORDS OF LINCOLN COUNTY, SITUATED IN THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 11 WEST, WILLAMETTE MERIDIAN, CITY OF NEWPORT, COUNTY OF LINCOLN AND STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF TRACT 'I', OF SAID "SOUTHSHORE", ALSO BEING THE NORTHWEST CORNER OF TRACT 'O' OF SAID "SOUTHSHORE" AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID S.W. 62ND STREET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THROUGH THE FOLLOWING COURSES: ALONG THE ARC OF A 25.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 18°18'22" (LONG CHORD BEARS NORTH 59°57'36" WEST, A DISTANCE OF 7.95 FEET) AN ARC LENGTH OF 7.99 FEET TO A POINT OF COMPOUND CURVE; ALONG THE ARC OF A 470.00 FOOT RADIUS TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 18°53'17" (LONG CHORD BEARS NORTH 78°33'25" WEST, A DISTANCE OF 154.24 FEET) AN ARC LENGTH OF 154.94 FEET TO A POINT OF REVERSE CURVE; ALONG THE ARC OF A 250.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 8°49'00" (LONG CHORD BEARS NORTH 83°35'33" WEST, A DISTANCE OF 38.43 FEET) AN ARC LENGTH OF 38.47 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ALONG THE RIGHT-OF-WAY LINE OF SAID S.W. 62ND STREET, THROUGH THE FOLLOWING COURSES: ALONG THE ARC OF A 250.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 9°34'17" (LONG CHORD BEARS NORTH 74°23'54" WEST, A DISTANCE OF 41.71 FEET) AN ARC LENGTH OF 41.76 FEET; NORTH 69°36'46" WEST, A DISTANCE OF 51.28 FEET TO A POINT OF CURVE; ALONG THE ARC OF A 70.00 FOOT RADIUS TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 35°51'48" (LONG CHORD BEARS NORTH 87°32'40" WEST, A DISTANCE OF 43.10 FEET) AN ARC LENGTH OF 43.82 FEET; SOUTH 74°31'26" WEST, A DISTANCE OF 28.78 FEET TO A POINT OF CURVE; ALONG THE ARC OF 24.00 FOOT RADIUS TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 43°08'11" (LONG CHORD BEARS SOUTH 52°57'20" WEST, A DISTANCE OF 17.65 FEET) AN ARC LENGTH OF 18.07 FEET TO A POINT OF REVERSE CURVE; ALONG THE ARC OF 50.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 266°16'21" (LONG CHORD BEARS NORTH 15°28'35" WEST, A DISTANCE OF 72.97 FEET) AN ARC LENGTH OF 232.37 FEET TO A POINT OF REVERSE CURVE; ALONG THE ARC OF 24.00 FOOT RADIUS TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 43°08'11" (LONG CHORD BEARS SOUTH 83°57'29" EAST, A DISTANCE OF 17.65 FEET) AN ARC LENGTH OF 18.07 FEET; NORTH 74°31'26" EAST, A DISTANCE OF 28.78 FEET TO A POINT OF CURVE; ALONG THE ARC OF 130.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 35°51'48" (LONG CHORD BEARS SOUTH 87°32'40" EAST, A DISTANCE OF 80.05

FEET) AN ARC LENGTH OF 81.37 FEET; SOUTH 69°36'46" EAST, A DISTANCE OF 51.28 TO A POINT OF CURVE; ALONG THE ARC OF A 190.00 FOOT RADIUS TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 9°34'17" (LONG CHORD BEARS SOUTH 74°23'54" EAST, A DISTANCE OF 31.70 FEET) AN ARC LENGTH OF 31.74 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE, SOUTH 10°48'57" WEST, A DISTANCE OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 18,872 SQUARE FEET

BEARINGS BASED ON THE PLAT OF "SOUTHSHORE", LINCOLN COUNTY PLAT RECORDS.

The subject tract is illustrated on the map attached as "Exhibit A" to this ordinance.

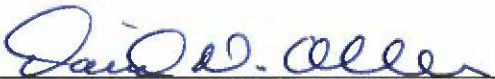
Section 3. Easements for utilities to be retained. Easements for public and private utilities are retained over the whole of the areas described for vacation in Section 2 above.

Section 4. Recording. The City Recorder is hereby directed to file certified copies of this ordinance for recording with the Lincoln County Clerk's Office, the County Assessor, and the County Surveyor.

Section 5. Effective Date. This ordinance shall take effect 30 days after passage.

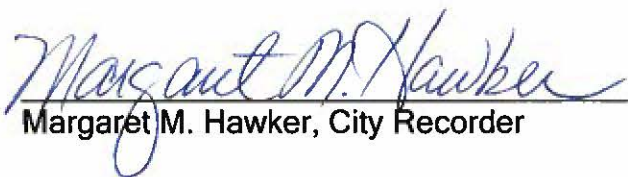
Date adopted and read by title only: June 17, 2019.

Signed by the Council President on June 18, 2019.



David N. Allen, Council President

ATTEST:



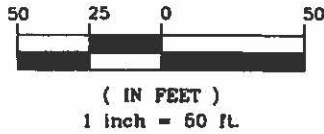
Margaret M. Hawker, City Recorder

Approved as to Form:



Steven E. Rich, City Attorney

GRAPHIC SCALE

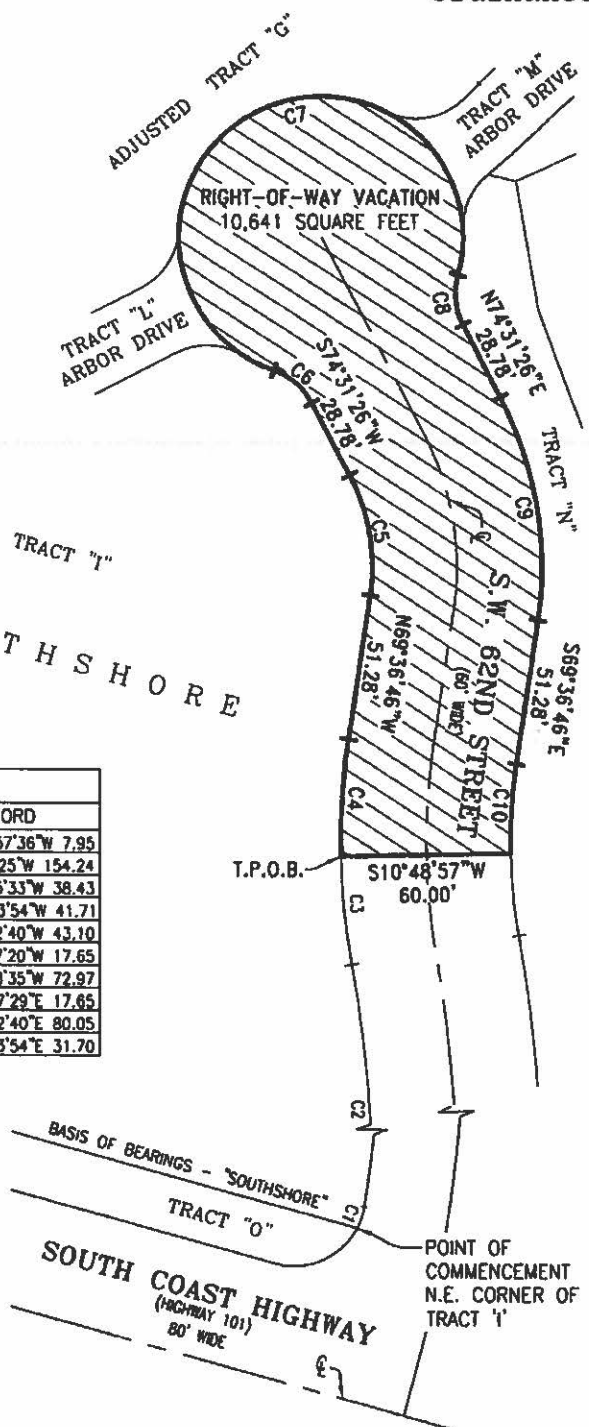


LEGEND

 VACATION AREA



CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	CHORD
C1	18°18'22"	25.00	7.99	N59°57'36"W 7.95
C2	18°53'17"	470.00	154.94	N78°33'25"W 154.24
C3	8°49'00"	250.00	38.47	N83°35'33"W 38.43
C4	9°34'17"	250.00	41.76	N74°23'54"W 41.71
C5	35°51'48"	70.00	43.82	N87°32'40"W 43.10
C6	43°08'11"	24.00	18.07	S52°57'20"W 17.65
C7	266°16'21"	50.00	232.37	N15°28'35"W 72.97
C8	43°08'11"	24.00	18.07	S83°57'29"E 17.65
C9	35°51'48"	130.00	81.37	S87°32'40"E 80.05
C10	9°34'17"	190.00	31.74	S74°23'54"E 31.70



4-17-2019

REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]

OREGON
JANUARY 15, 2002
BRETT D. BEDORE
88839

EXPIRES 12-31-19

RIGHT-OF-WAY
VACATION SKETCH

FOR
SOUTHSHORE DEVELOPMENT

A PORTION OF S.W. 62ND STREET
SITUATED IN THE NE 1/4 OF SECTION 30, T 11 S, R 11 W
WILLAMETTE MERIDIAN, CITY OF NEWPORT,
COUNTY OF LINCOLN, STATE OF OREGON



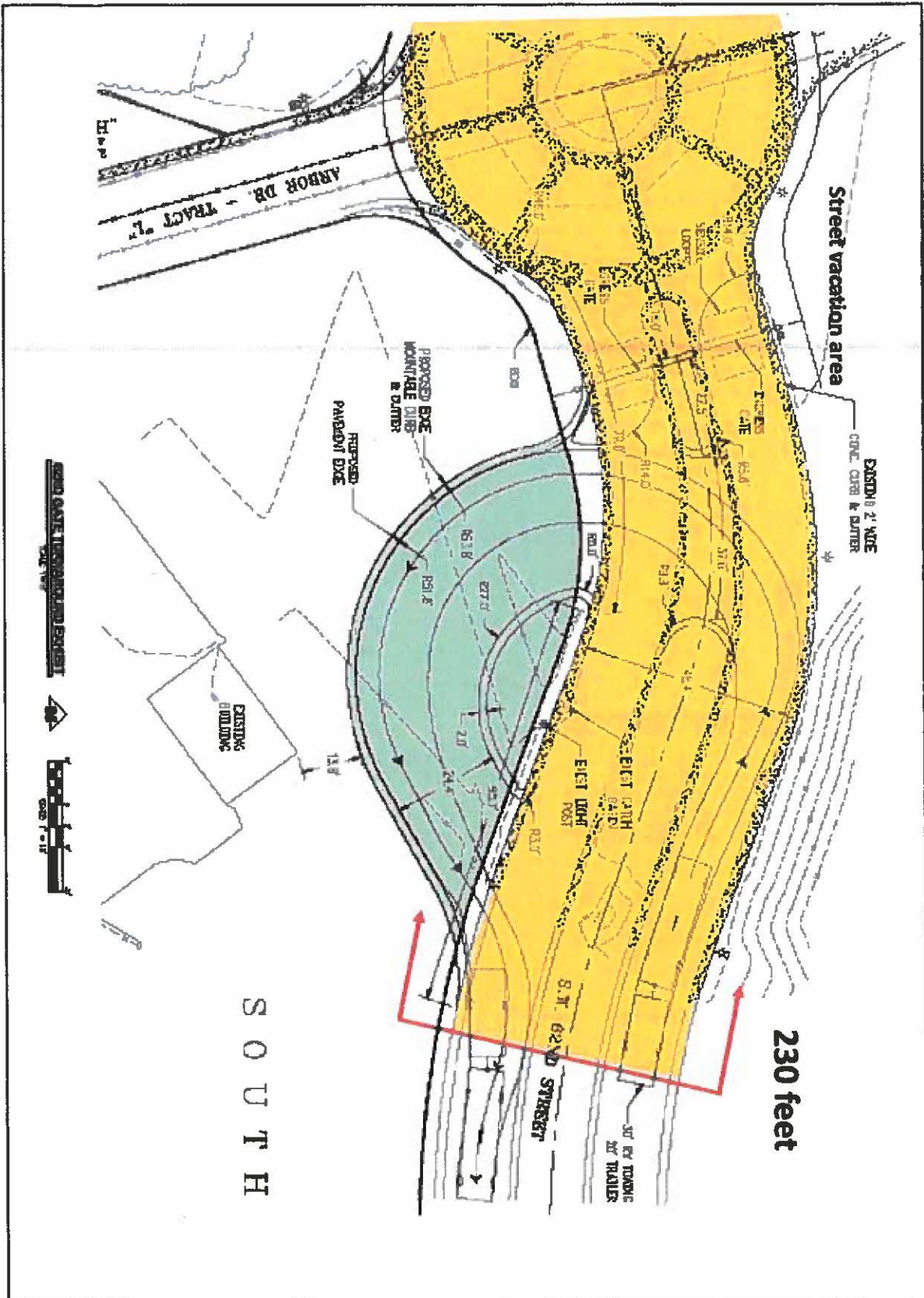
**W.B. WELLS
& Associates, Inc.**
ENGINEERS-SURVEYORS-PLANNERS
8130 N.E. 76TH Ct., Ste. C-11
Portland, Oregon 97218
(503) 284-5888 fax (503) 284-8530

DRAWN BY: AMJ CHECKED BY: BB

DATE: 04/16/19 SCALE: 1" = 50'

PLOT DATE: 04/17/19 JOB NO.: 5042-001

DWG: P:\15-094\15-094 TS-SOUTH.DWG (62ND VAC TAB)



S O U T H

230 feet

	<p>EMERIO Design INCORPORATED</p>	<p>REVISIONS</p> <table border="1"> <tr> <td>NO.</td> <td>DATE</td> <td>DESCRIPTION</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION				<p>EXHIBIT</p>	<p>SOUTHSHORE SEC 20, 29, 30 T 19N, R 10E, W 1M LINCOLN COUNTY NEWPORT, OREGON</p>
NO.	DATE	DESCRIPTION								

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