

**THE CITY COUNCIL OF THE CITY OF NEWPORT,  
COUNTY OF LINCOLN, STATE OF OREGON**

In the Matter of:

REQUEST BY SOUTHSORE OWNERS ASSOCIATION	)	
FOR THE CITY TO VACATE A PORTION OF THE	)	ORDER NO.
DEVELOPED ROAD RIGHT-OF-WAY FOR SW 62 <sup>ND</sup> STREET	)	2019-1
IN CONJUNCTION WITH THE RECONFIGURATION OF THE	)	
ENTRANCE TO THE SOUTHSORE DEVELOPMENT	)	

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WHEREAS, Southshore Owners Association submitted a petition on December 20, 2018 requesting that the City of Newport vacate the westerly 142 feet of SW 62<sup>nd</sup> Street; and

WHEREAS, vacation of the right-of-way is a part of a larger project to reconfigure access to the Southshore development that will include the construction of a new vehicle turnaround on SW 62<sup>nd</sup> Street, immediately east of the area to be vacated; and

WHEREAS, the new access will allow a single gated entry to the development, which the Southshore Owner's Association finds preferable to the current configuration where they utilize two entry gates to access the north and south sides of the development, with no gate control to the private clubhouse area; and

WHEREAS, the Newport Planning Commission held a public hearing to consider the petition on January 28, 2019 and concluded that it satisfies the requirements under ORS 271.120, which stipulate that consent of the abutting and affected property owners be obtained, notice of the hearing be duly given, and that the public interest not be prejudiced by the street vacation; and

WHEREAS, the Commission further concluded that SW 62<sup>nd</sup> Street does not provide access to the beach; therefore, vacation of a portion of the right-of-way is not subject to NMC Chapter 14.26 and ORS 271.080 to 271.230 that require such rights-of-way be retained unless replacement access is provided; and

WHEREAS, because vacation of the right-of-way is dependent upon the dedication of new right-of-way and construction of a new vehicle turn around, the Commission recommends the execute an order conveying its intent to vacate the right-of-way, with instruction that an ordinance be presented for adoption once the new turnaround is constructed and accepted by the city; and

WHEREAS, the Commission further recommends that a utility easement be reserved over the entirety of the vacated right-of-way unless alternative easements are provided in a form acceptable to the City Engineer; and

WHEREAS, the City Council held a duly noticed public hearing on March 4, 2019 to consider the petition by the Southshore Owner's Association and, after considering public testimony, accepted the Commission's recommendations.

**NOW, THEREFORE, IT IS HEREBY ORDERED:**

1. An ordinance vacating the westerly 142 feet of SW 62<sup>nd</sup> Street be drafted and presented to the Newport City Council for adoption once the new vehicle turnaround has been constructed to City standards and the associated right-of-way is dedicated for public use.
2. Such ordinance shall include language reserving a public utility easement over the entirety of the vacated right-of-way unless alternative easements are provided over the affected utilities in a manner acceptable to the City Engineer.

SO ORDERED this 4<sup>th</sup> day of March, 2019.

  
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Dean H. Sawyer, Mayor

ATTEST:

  
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Margaret M. Hawker, City Recorder