

CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING ON A PARTIAL STREET VACATION¹

This meeting will be a hybrid meeting conducted by video-conference and a limited number of people (up to 15) are allowed to attend in person. Please contact the Community Development Department at the phone number or email listed below for options on how you can participate by video-conference or in person in the hearing.

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport, Oregon, will hold a public hearing on Monday, February 22, 2021, to review and make a recommendation to the Newport City Council on a partial street vacation as requested in:

File No.: 1-SV-21

Applicant: Initiated by the City Council, at the request of Bret Fox on behalf of 2nd Street Newport, LLC.

Request/Subject Property: The request is to vacate the northerly 30-feet of a 3,500+/- sq. ft. segment of the SW 2nd Street right-of-way between SW Angle Street and US 101. Developer, 2nd Street Newport, LLC intends to construct a drive through coffee establishment in the vicinity of the Courthouse Café that was demolished a number of years ago. Vacating the right-of-way will give the developer sufficient space to place the new commercial building and construct a new driveway approach with landscaped areas in a manner that conforms with City standards and makes the road approach in and out of the property more intuitive to drivers. (See the attached illustration of the proposed area to be vacated).

Date Request Received: The street vacation was initiated by the City Council at the applicant's request on November 16, 2020.

Applicable Criteria: Oregon Revised Statutes (ORS) 271.120 requires that: (1) The consent of the owners of the requisite area have been obtained; (2) Notice has been duly given; and (3) The public interest will not be prejudiced by the vacation of such plat or street or parts thereof. ORS 271.130 provides that a governing body may initiate vacation proceedings, and make such vacation without a petition or consent of property owners, as long as the owners of a majority of the area affected do not object in writing and the vacation will not substantially affect the market value of abutting properties, unless the city governing body provides for paying damages.

Testimony: Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department (address under "Reports/Materials") must be received by 12:00 p.m. (Noon) the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application.

Reports/Materials: The staff report may be reviewed or a copy purchased at the Newport Community Development (Planning) Department, City Hall, 169 S.W. Coast Hwy, Newport, Oregon, 97365, seven days prior to the hearing. The file materials and the applicable criteria are currently available for inspection at no cost or copies may be purchased for reasonable cost at this address.

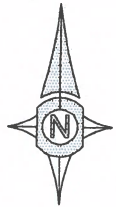
Contact: Derrick Tokos, Community Development Director (541) 574-0626 (address above in "Reports/Materials").

Time/Place of Hearing: Monday, February 22, 2021; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Materials").

MAILED: January 29, 2021.

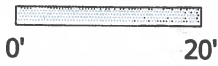
PUBLISHED: Friday, February 5, 2021; Friday, February 12, 2021; and Wednesday, February 17, 2021/ Newport News-Times.

¹ Notice of the public hearing is being sent to affected property owners (according to Lincoln County Assessor's records) within the notification distance required for the request, affected public/private utilities/agencies, and affected city departments.



TAX LOT 14600
TAX MAP 11-11-08-BA

SCALE:



PARCEL 2
PARCEL PARTITION NO. 2015-06

TAX LOT 15900
TAX MAP 11-11-08-BA

$\Delta=(6^{\circ}34'27'')$
 $R=(914.89')$
 $L=(104.97')$
 $LC=(S35^{\circ}50'46''W 104.92')$

POINT OF BEGINNING
SW CORNER OF PARCEL 2
PARTITION PLAT NO. 2016-06

(N89°51'13"W 85.75')

VACATION AREA
2,198 ± SQUARE FEET

$\Delta=[2^{\circ}27'38'']$
 $R=[914.89']$
 $L=[39.29']$
 $LC=[N40^{\circ}21'49''E 39.29']$

[S89°51'13"E 60.38"]

SW 2ND ST.
(60.00')RIGHT OF WAY

[S00°08'47"W 60.00']
[30.00']
[30.00']

90°00'00"

[S89°51'13"E 32.67"]

$\Delta=[2^{\circ}33'28'']$
 $R=[914.89']$
 $L=[40.84']$
 $LC=[N42^{\circ}52'22''E 40.84']$

OREGON COAST
HIGHWAY 101
(RIGHT OF WAY VARIES)

LEGEND

- () RECORD DATA PER LINCOLN COUNTY SURVEY 2015-06
- [] CALCULATED DATA

UDELL ENGINEERING
AND
LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON, 97355
541-451-5125

EXHIBIT B
2ND STREET NEWPORT LLC
104 SW 2ND ST.
NEWPORT, OREGON

Date 12/18/2020
Project 14-189 DEDICATION
Drawn by GSR
Checked by KWL



SHEET 1
of 1

SCALE: AS NOTED