

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

NOTICE IS HEREBY GIVEN that the City Council of the City of Newport, Oregon, will hold a public hearing on Monday, April 19, 2010, to review a partial street vacation as requested in **File No. 2-SV-09**:

Applicant: Initiated by the Newport City Council at the request of Newport Bay Ventures, LLC (Dennis Bartoldus, authorized representative).

Request/Subject Property: The request is for a proposed vacation of that portion of SW 12th Street between Harbor Drive and SW Case Street and the northerly ten-foot width of SW Case Street between SW 12th Street and SW 11th Street abutting property currently identified on Assessor's Tax Map 11-11-08-CA as Tax Lots 7001, 7002, 9000, and 9100 (See the attached illustration of the proposed area to be vacated).

Applicable Criteria: Oregon Revised Statutes (ORS) 271.130 (Vacation on council's own motion; appeal) subsection (1) requires that: "the vacation not be made before the date set for the hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages." The applicability of Bay Front Plan Goal 5, Policy 1 will also need to be determined. If Bay Front Plan Goal 5, Policy 1 is applicable, additional approval criteria are that the vacation would not interfere with convenient pedestrian, bicycle or other transportation connections.

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 (including any remonstrances and/or objections) 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 City Council. Written testimony sent to the Community Development (Planning) Department (address under "Reports/Materials") must be received by 5:00 p.m. 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, April 19, 2010; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Materials").

MAILED: March 22, 2010.

PUBLISHED: April 2, 2010 & April 9, 2010/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.