

# City of Brookings

## ***Special* MEETING AGENDA**

**Revised 12-16-11**

### **CITY COUNCIL**

**Monday, December 19, 2011, 7:00pm**

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

#### **A. Call to Order**

#### **B. Pledge of Allegiance**

#### **C. Roll Call**

#### **D. Public Hearing/Final Order/Deed/Dedications and Easement**

1. Public hearing in the matter of File VAC-1-11, a request for the Vacation and realignment of a portion of Cove Road adjacent to tax lots 1000 and 802, Map 41-13-06DD. This matter is initiated by the City of Brookings and was filed on Nov 1, 2011. The criteria used to decide this matter is found in Chapter 17.148, Vacations, of the Brookings Municipal Code, and Oregon Revised Statutes 271, Vacation. The Vacation is a quasi-judicial hearing and the City Council will make a decision on this matter. [pg. 2]
  - a. Planning Commission Staff Report. [pg. 3]
  - b. Planning Commission Final Order and Conditions of Approval. [pg. 27]
2. Final Order for vacation and realignment of the most northerly portion of Cove Road and Ordinance vacating approximately 180 feet of Cove Road. [pg. 33]
  - a. Final Order and Findings of Fact. [pg. 34]
  - b. Ordinance 11-O-688. [pg. 36]
3. Authorization to execute bargain and sale deed, two right-of-way dedications and a sidewalk/curb easement in conjunction with the Cove Road vacation and Cove Road/Railroad Street realignment. [Supplemental Packet, dated 12-16-11]
  - a. Bargain and Sale Deed
  - b. Right-of-Way Dedication #1
  - c. Right-of-Way Dedication #2
  - d. Sidewalk/curb easement

#### **E. Remarks from Mayor and Councilors**

#### **F. Adjournment**

\*To comment, obtain Public Comment Forms and view the agenda and packet information on-line at [www.brookings.or.us](http://www.brookings.or.us), at City Hall and at the local library. Return completed Public Comment Forms to the City Recorder before the start of meeting or during regular business hours.

All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with advance notification. Please contact 469-1102 if you have any questions regarding this notice.

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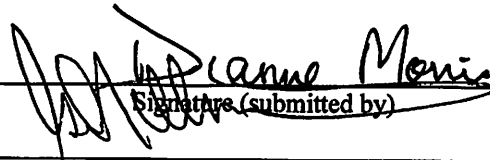
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# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: December 19, 2011

Originating Dept: Planning

  
Signature (submitted by)  
\_\_\_\_\_  
City Manager Approval

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**Subject:** Vacation and re-alignment of the most northern portion of Cove Road

**Recommended Motion:** Motion to approve the Vacation/ re-alignment of Cove Rd.

**Financial Impact:** System Development Charges will pay for these improvements.

- **Background/Discussion:** This is a City initiated proposal that will improve the flow of traffic at the Cove/Wharf/Memory intersections. A Conditional Use Permit (CUP) was approved in June, 2011 which authorized the siting of a Bi-Mart retail store. The section of Cove Rd. proposed to be vacated is adjacent to the Bi-Mart property. One of the Conditions of Approval for the CUP required street improvements in the area now proposed to be vacated. To remove this condition, which would no longer be needed, a Minor Change hearing before the Planning Commission was conducted. The criteria for a Minor Change requires consideration of how the change will impact the subject property, surrounding properties, and City facilities. At a hearing on Nov. 29, 2011 the Planning Commission considered this matter and approved the Minor change contingent on the approval of the Vacation/re-alignment by the Council. The Planning Commission also considered the criteria for the Vacation/re-alignment in order to make a recommendation to the City Council. That criteria is found on pages 6 and 7 of the Planning Commission packet. The Commission recommends approval of the Vacation/re-alignment.

The attached Planning Commission Staff Report reviews the details of the Minor Change/ Vacation/ Re-alignment and analyses the relevant criteria. Staff agrees with the Planning Commissions approval of the Minor Change and recommendation to the Council for approval of the Vacation/re-alignment. The Planning Commissions Minor Change Final Order and Conditions of Approval are in this packet following the staff report. A draft Final Order approving the Vacation/re-alignment and an Ordinance declaring the northerly portion of Cove Road as vacated are the final documents in this packet.

**Policy Considerations:** N/A

**Materials:**

Planning Commission Staff Report  
Planning Commission Final Order and Conditions of Approval

**CITY OF BROOKINGS PLANNING COMMISSION**  
**STAFF AGENDA REPORT**

SUBJECT: Minor Change- Street Vacation  
FILE NO: MC-1-11 for CUP-1-11 & Vac-1-11  
HEARING DATE: Nov. 29, 2011

REPORT DATE: Nov. 17, 2011  
ITEM NO: 7.1

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**GENERAL INFORMATION**

APPLICANT: City of Brookings.

PROPERTY OWNERS: BiMart, John Harris, President, and John Hance.

REQUEST: A Minor Change to a Conditional Use Permit and a street Vacation/re-alignment.

TOTAL LAND AREA: 3.5 acres.

LOCATION: Subject properties are bounded on the west side by Wharf St, on the north by Railroad Street, and on the east by Memory Lane, more specifically 248 Wharf St. and 623 Memory Ln. Also the northern portion of Cove Rd. approximately 180 ft. from it's intersection with Railroad St.

ASSESSOR'S NUMBER: 41-13-06DD, Tax Lots 802 and 1000.

**ZONING / COMPREHENSIVE PLAN INFORMATION**

EXISTING: IP, Industrial Park.

PROPOSED: Same.

SURROUNDING: Subject property is surrounded by other Industrial Park zoned properties, except for one parcel adjacent on the southeast that is zoned R-2 (two-family residential). Across Railroad Street to the north are C-3, General Commercial, properties.

COMP. PLAN: Commercial.

**LAND USE INFORMATION**

EXISTING: Tax lot 802 has an approved Conditional Use Permit (CUP) for a retail store which is under construction. Tax lot 1000 has an existing restaurant and parking lot.

PROPOSED: A Minor Change to the CUP as it relates to improvements on Cove Rd. This proposal would vacate approximately 180 ft of the most northerly portion of Cove

Rd. and re-align it though Tax lot 1000 to connect with Memory Ln. and thereby providing access to Railroad St.

**SURROUNDING:** The subject properties are surrounded by assorted industrial and commercial uses except for one residentially zoned and developed parcel adjacent on the southeast, four non-conforming dwellings within the Industrial Park (IP) zone on the west, and one non-conforming dwelling in the IP zone east of Memory Ln.

**PUBLIC NOTICE:** Mailed to all property owners within 250 feet of subject property and published in local newspaper.

**APPLICABLE CRITERIA:** Land Development Code – Ordinance No. 06-O-572  
Chapter 17.136.140 – Conditional Use Permits, Minor Change  
Chapter 17.161.090 – Minor Change  
Chapter 17.148 – Vacations, of the Brookings Municipal Code

Oregon Revised Statutes – 271, Vacation

## **BACKGROUND INFORMATION**

The Bi-Mart property, tax lot 802, was the subject of recent hearings and approval of a Conditional Use Permit (CUP) to site a retail store. That project is under construction. In the Final Order approving this project the Applicant is required to construct curb, gutter, and sidewalks on the adjacent streets, Wharf, Cove, and Railroad. Although the Applicant for the CUP provided a Traffic Engineer's analysis of the streets providing access which found them to be adequate, a re-alignment of the Wharf, Cove, Railroad intersections would provide for a better flow of traffic. The City considered undertaking a re-alignment at this time rather than have new sidewalks etc. constructed that would not be needed in the future if an access consolidation were undertaken.

## **PROPOSED MINOR CHANGE AND STREET VACATION/ RE-ALIGNMENT**

The City is the Applicant in this matter. The owners of the property involved are in agreement and have signed the applications requesting this hearing. The proposal is to vacate Cove Road approximately 180 ft. south of it's intersection with Railroad St. This property would be deeded to the owners of tax lot 1000 to provide off-street parking to replace the parking eliminated by the re-alignment of Cove Road through their current parking area and connecting to Memory Lane. With this configuration Cove Road traffic will be able to turn left onto Memory Lane and then access Railroad St. At the Memory Lane/ Railroad St. intersection the access point will be altered to make a right angle approach thus improving that situation as well. Curb, gutters, and sidewalks will be constructed along this re-aligned portion of Cove Rd. and Memory Ln.

In addition to the vacation of the northern portion of Cove Rd. and the dedication of the re-aligned area of Cove Rd., a vacation of a small portion of Memory Ln. and a dedication of a small portion of tax lot 1000 to Railroad St. right-of-way will also be required by this proposal. A narrative description, map, and legal descriptions are in **Attachment A**. The vacation of a portion of Cove Rd. and dedication of the new re-aligned Cove Rd. have already been discussed previously. The small part of Memory Ln. adjacent to Railroad St. and tax lot 1000 will be unused right-of-way once the alignment of that intersection has been improved for traffic to enter at a right-

angle. This area will be deeded to tax lot 1000. In turn tax lot 1000 will need to deed a small area in the most northerly portion of the property to the City for additional Railroad St. right-of-way to provide for the multi-use path that will be constructed in this area.

The City has Urban Renewal Funds and System Development Funds that will be used to reconstruct a portion of Railroad St. from Center St. to Fern Ave. Consolidation of street access points in this area is timely considering this project which is in the engineering phase presently.

This is a combined hearing as the Minor Change and the Vacation/re-alignment are inextricably linked. A Minor Change to the Conditions of Approval for CUP-1-11 is required by this proposal. A change would be needed to the Condition describing the street improvements on Cove. The Planning Commission has authority to make this decision. If approved, the Planning Commission would need to make a recommendation to the City Council on the street Vacation/re-alignment, as the Council is the decision making body in that matter.

## CRITERIA AND FINDINGS

### BI-MART MINOR CHANGE

17.116.090 (B), Brookings Municipal Code (BMC), requires a site plan to show the proposed changes and how they compare to the original site plan.

Response: **Exhibit 2** shows the proposed change to Cove Rd. and the location of Bi-Marts exit from their parking lot that utilizes Cove Rd. **Exhibit 3** is the site plan approved in CUP-1-11. In addition, **Attachment A** shows the detail of vacations and dedications that are proposed.

17.116.090 (C), BMC, requires a statement explaining how the proposed change:

- relates to the approved project.

Response: From the parking lot access point on Cove Rd., north to it's intersection with Railroad is proposed to be vacated and deeded to the restaurant property to the east. Cove Rd. is proposed to be re-aligned and constructed through what is now the restaurant property's parking lot and connect to Memory Ln. to provide an outlet to Railroad St. Dyer Partnership, the City's Engineering firm, has studied this proposal to determine if it will improve the traffic circulation in this area (**Attachment B**). Presently there are several streets that intersect within close proximity to each other. The Dyer report states the proposal will improve the situation, and deals with the traffic needs in this area.

- impacts it may have on the project and/or adjoining property holders.

Response: This proposal does impact the restaurant property to the east of Cove Rd. It will remove their present parking lot which will be replaced by a parking lot in the vacated area of Cove Rd. This will provide more parking than they presently have. The property owner is in agreement with this plan and is a co-applicant to this application.

The proposal will increase traffic for a short distance on Memory Ln adjacent to a residence. Memory Ln. will be physically improved in this area though and the intersection with Railroad St. will be

corrected to provide a right-angle alignment making for a safer facility.

The Minor Change will result in the altering of Condition of Approval #2, Street Conditions, Cove Rd., in the Final Order. This eliminates the required street improvements adjacent to the subject property in the area where Cove Rd. will be vacated.

- impacts it may have on City services and facilities.

Response: The City's Transportation System Plan (2002) (TSP) calls for a reconfiguration of the Railroad/ Memory/ Cove intersection. The TSP describes this project as "realign roadways to consolidate access to Railroad Street." This is the only intersection project identified in the 2006 System Development Charge (SDC) study as being eligible for the use of SDC funds. This change will implement the project identified in the 2002 TSP with funding allocated consistent with the 2006 SDC study.

As explained above the proposal will improve the City's facilities and thereby the service they provide. City Staff has reviewed this proposal and emergency service providers and Public Works Director has provided a written statement of their support (**Attachment C**).

Staff believes that with the responses as stated above and the materials referenced, the criteria have been met for approval of the minor change.

## **VACATION/RE-ALIGNMENT OF A PORTION OF COVE RD.**

17.148 (A), Brookings Municipal Code (BMC), requires the proposal to be in compliance with the Comprehensive Plan, circulation elements or other applicable section of the document.

Response: The Transportation System Plan (2002) (TSP) is a supporting document to the Comprehensive Plan. The City's TSP calls for a reconfiguration of the Railroad/ Memory/ Cove intersection. The TSP describes this project as "realign roadways to consolidate access to Railroad Street." This is the only intersection project identified in the 2006 System Development Charge (SDC) study as being eligible for the use of SDC funds. This change will implement the project identified in the 2002 TSP with funding allocated consistent with the 2006 SDC study.

17.148 (C), BMC, requires a determination that the vacation will not substantially affect the market value of all such abutting property to the area proposed to be vacated, unless the City Council proposes to provide for paying such damages.

Response: The abutting properties are the sites of a retail store (Bi-Mart) and a restaurant (Super Fly). Bi-Mart is in agreement with this proposal as providing adequate access to their parking lot as stated in the City Engineers report, **Attachment B**. The property owner of the restaurant property is also in agreement with the proposal. This property will be bisected by the re-aligned Cove Rd., eliminating their current parking lot, however the deeding of the vacated portion of Cove Rd. to this property will provide for their needed off-street

parking. Neither property will be monetarily damaged by the proposed street Vacation/ re-alignment

Oregon Revised Statutes (ORS) 271.120, requires a determination of whether the public interest will be prejudiced by the vacation of this portion of Cove Rd.

Response: As previously explained this will provide for an improvement to the existing street intersections in this area of Railroad Ave. The two abutting properties will have adequate parking and access to the surrounding streets.

Staff believes that with the responses as stated above and the materials referenced, the criteria have been met for approval of the Vacation/ Re-alignment.

## **CONCLUSIONS**

The Planning Commission will need to make two separate motions. A motion needs to be made to approve or deny the Minor Change to CUP-1-11. The Planning Commission also needs to make a motion recommending approval or denial of the street Vacation/ re-alignment.

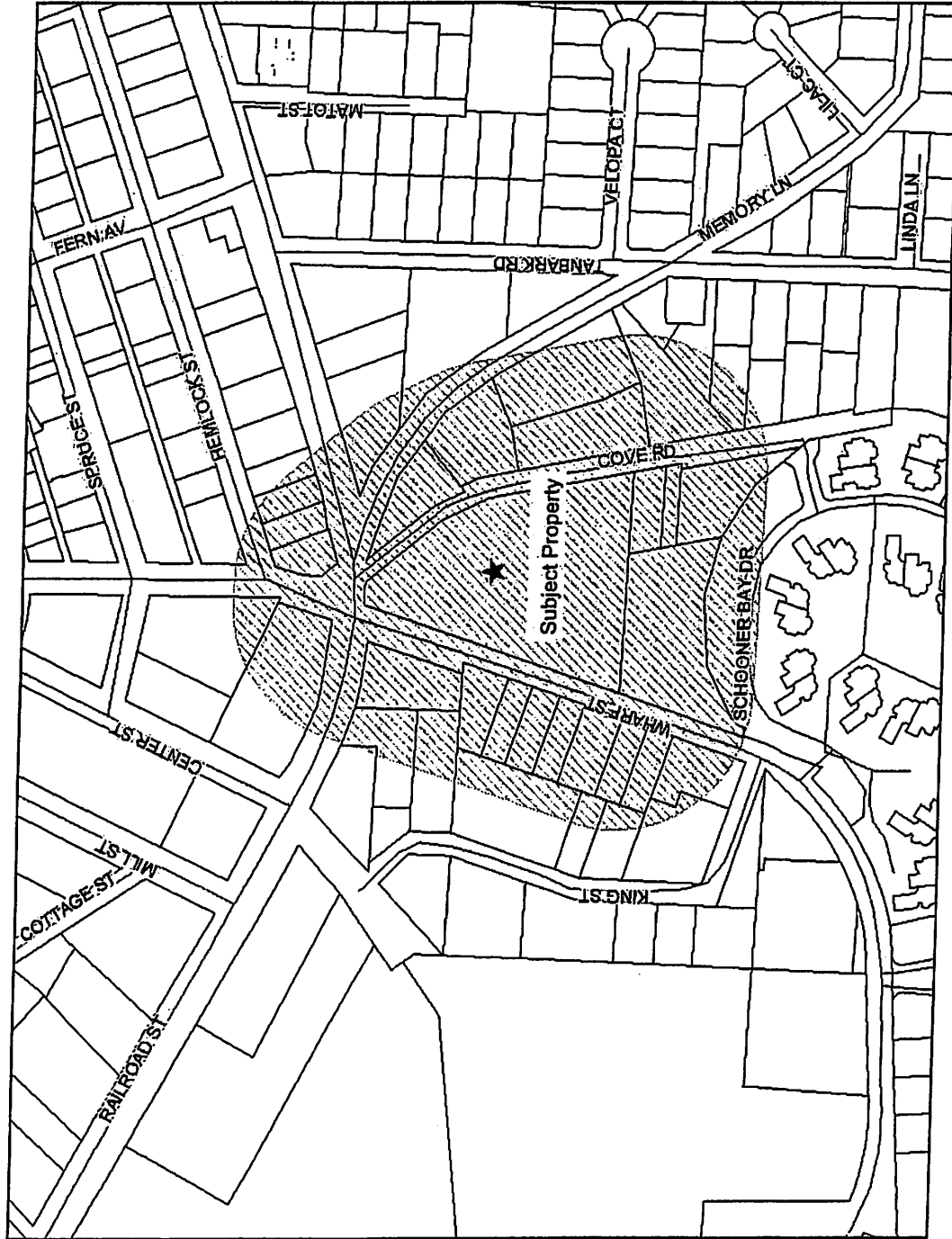
## **RECOMMENDATION**

Staff recommends APPROVAL of MC-1-11 to CUP-1-11, based on the findings and conclusions stated in the staff report and subject to the conditions of approval. Staff also recommends approval of VAC-1-11.

Staff has prepared a Final Order and Conditions of Approval to be considered at this meeting (**Attachment D**).



# MC-1-11 to CUP-1-11 Exhibit One

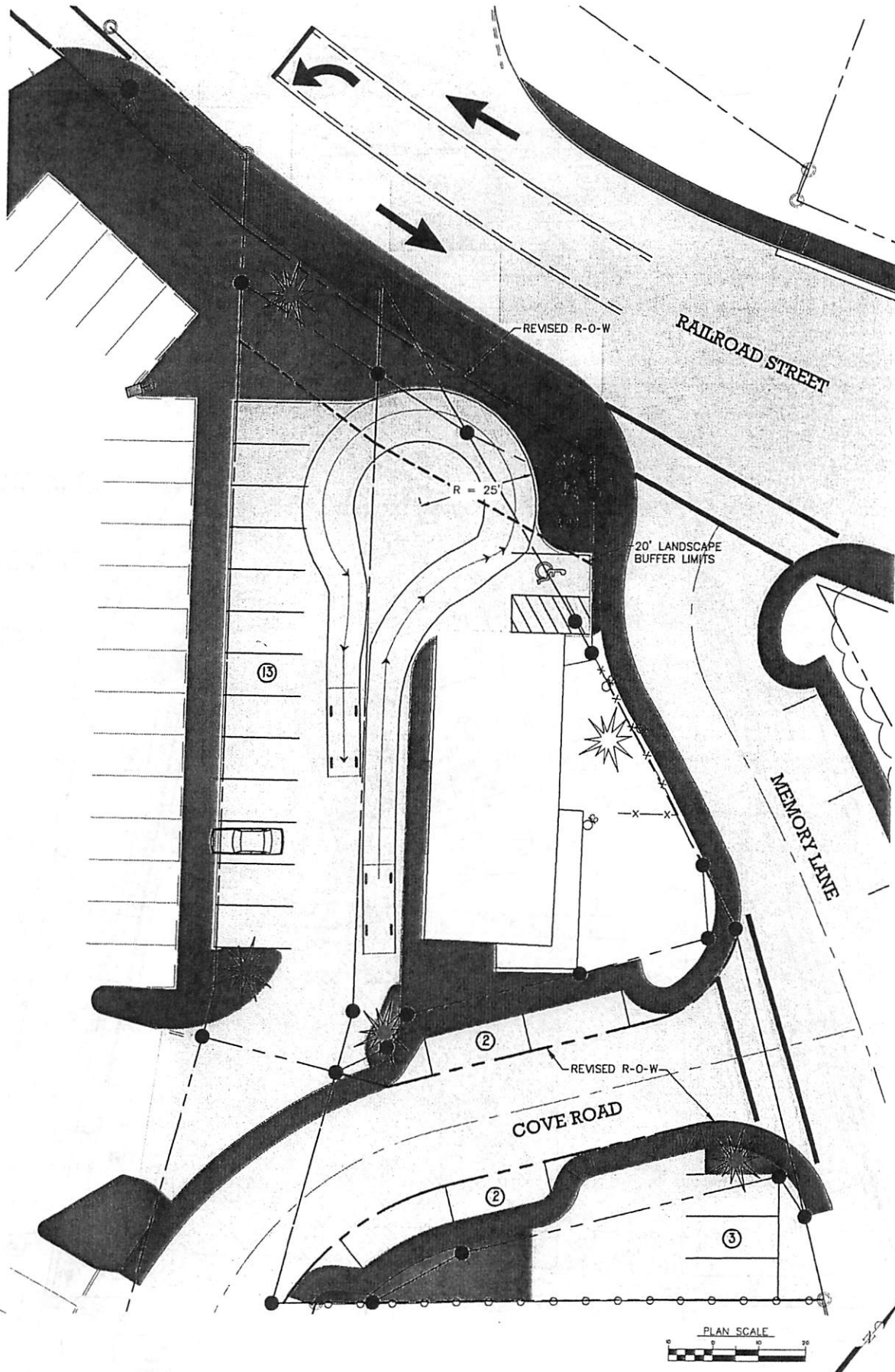


This map is a public resource of general information. Use this information at your own risk. Curry County makes no warranty of any kind, expressed or implied, including any warranty of merchantability, fitness for any particular purpose or any other matter.

Map center: 42° 2' 58.7" N, 124° 16' 59.2" W

Scale: 1:3,723

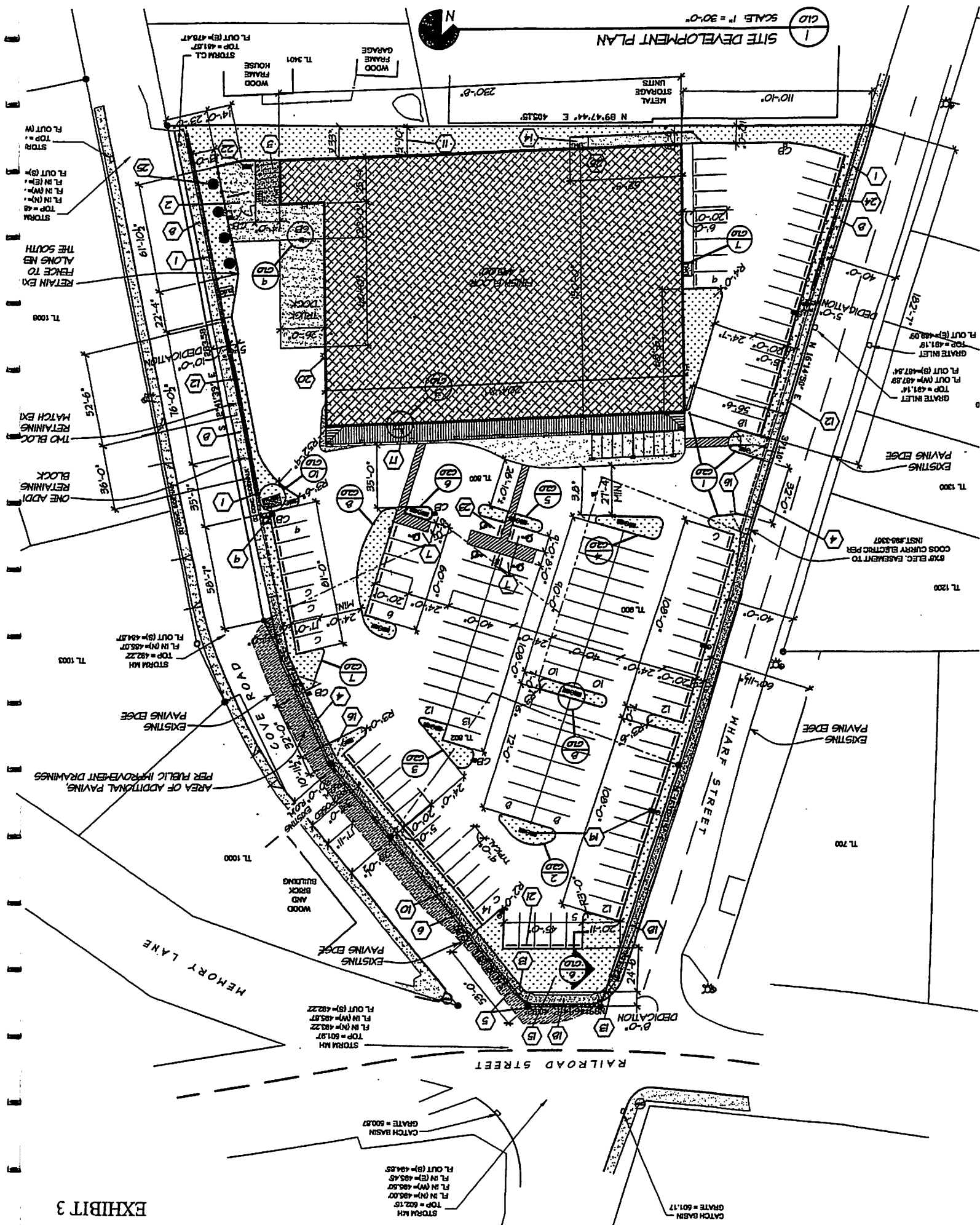
EXHIBIT 1



THE DYER PARTNERSHIP  
ENGINEERS & PLANNERS  
DATE: OCT., 2011  
PROJECT NO.: 145.00A

CITY OF BROOKINGS  
COVE ROAD PARKING - OPTION E

FIGURE NO.  
2E



**Dianne Morris**

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**From:** Mike Erickson [merickson@dyerpart.com]  
**Sent:** Wednesday, November 16, 2011 7:30 AM  
**To:** Gary Milliman  
**Cc:** Dianne Morris; 'Tom Hart'  
**Subject:** RE: Cove Descriptions  
**Attachments:** Updated Descriptions and Maps 11-15-11.pdf

**Hi Gary / Dianne**

**Please find attached the updated descriptions and maps that pertain to the Cove Road re-alignment. The descriptions include the following:**

**Dedication #1 (Cove Road main part)**  
**Dedication #2 (small triangular area on north part of restaurant parcel near Railroad)**  
**Vacation #1 (Cove Road)**  
**Vacation #2 (Memory Lane)**  
**Sidewalk / Curb Easement (includes both sidewalk and curbs on each side of the re-aligned Cove Road)**  
**Public Utility Easement (covers the City's water and storm drain line running down Cove Road).**

**The updated areas actually show that the restaurant parcel is increasing in size....dedication areas  $(3,188 + 41) = 3,229$  SF. Vacation areas  $= 5,049 + 788 = 5,837$  SF for a net gain of 2,608 SF.**

**As I stated before, since we have not completed the design on this project, we may need to revise these somewhat to agree with the final design and / or may need some additional utility easements depending on what the conduit layouts look like. But these should form the foundation of the overall agreement.**

**Let me know if you have any questions.**

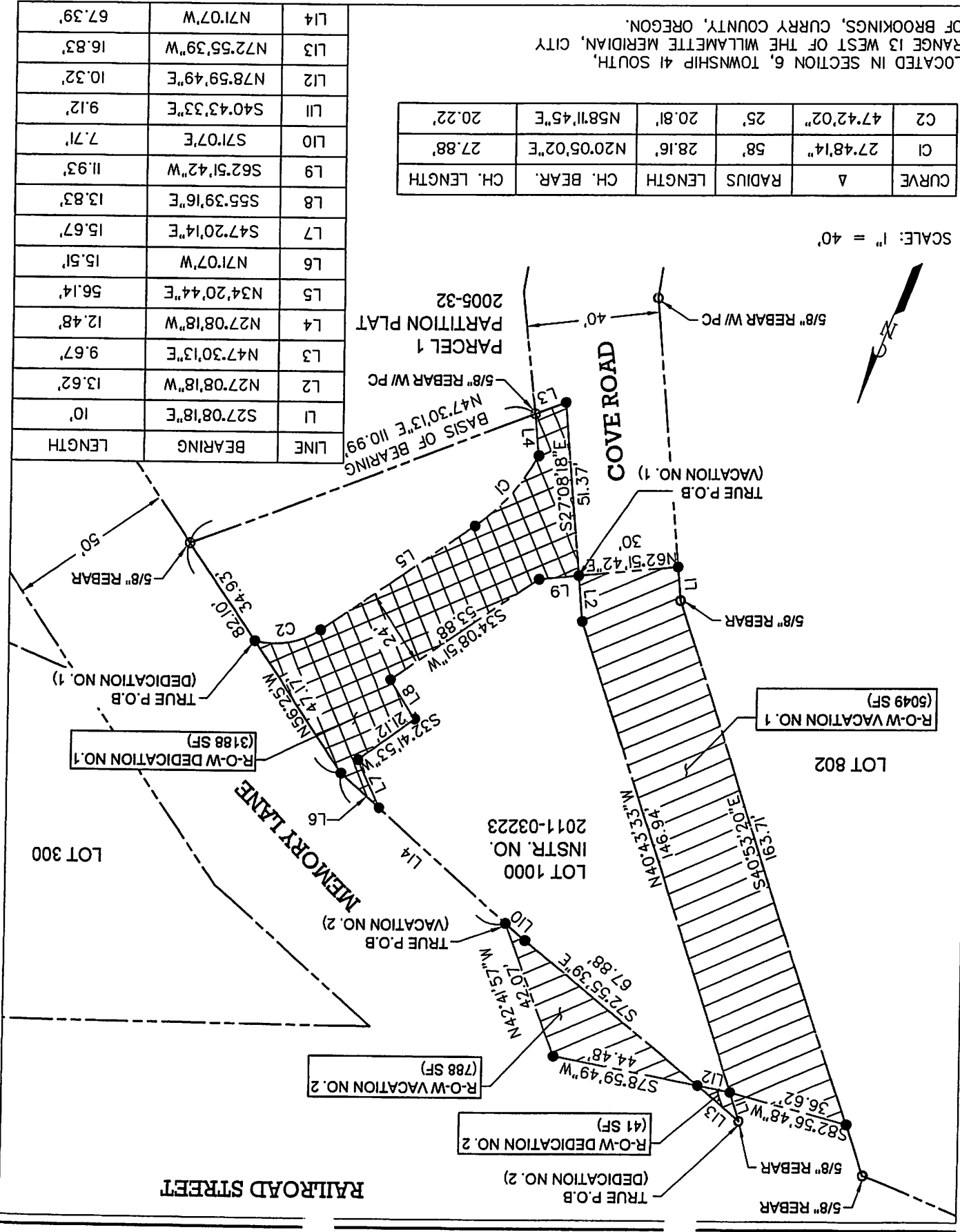
**Michael Erickson, PE PLS  
The Dyer Partnership  
Engineers and Planners  
1330 Teakwood Drive  
Coos Bay, OR 97420  
(541) 269-0732**

1 FIGURE NO.	CITY OF BROOKINGS CURRY COUNTY, OREGON		ENGINEERS & PLANNERS, INC.
			DATE: NOV, 2011
	COVE ROAD RIGHT-OF-WAY VACATION/DEDICATION		PROJECT NO.: 145.00A

LOCATED IN SECTION 6, TOWNSHIP 41 SOUTH,  
RANGE 13 WEST OF THE WILLAMETTE MERIDIAN, CITY  
OF BROOKINGS, CURRY COUNTY, OREGON.

CURVE	Δ	RADIUS	LENGTH	CH. BEAR.	CH. LENGTH
C1	27°48'14"	58'	28.16'	N20°05'02"E	27.88'
C2	47°42'02"	25'	20.81'	N58°11'45"E	20.22'

SCALE: 1" = 40'



LINE	BEARING	LENGTH
L1	S27°08'18"E	10'
L2	N27°08'18"W	13.62'
L3	N47°30'13"E	9.67'
L4	N27°08'18"W	12.48'
L5	N34°20'44"E	56.14'
L6	N71°07"W	15.51'
L7	S47°20'14"E	15.67'
L8	S55°39'16"E	13.83'
L9	S62°51'42"W	11.93'
L10	S71°07"E	7.71'
L11	S40°43'33"E	9.12'
L12	N78°59'49"E	10.32'
L13	N72°55'39"W	16.83'
L14	N71°07"W	67.39'

## **EXHIBIT A**

### **CITY OF BROOKINGS RIGHT-OF-WAY DEDICATION No. 1**

A right-of-way dedication which affects a parcel of land owned by John Hance, Successor Trustee of the Eugene V. Hance Trust dated March 16, 2001 as described in Instrument No. 2011-03223; Deeds Records of Curry County, located in the Southeast quarter of the Southeast quarter of Section 6, Township 41 South, Range 13 West of the Willamette Meridian, City of Brookings, Curry County, Oregon with said dedication being more particularly described as follows:

Beginning at the southeast corner of said parcel marked by a 5/8" rebar, which bears North 47° 30' 13" East 110.99 feet from the northwest corner of Parcel 1 of Partition Plat 2005-32, Plat Records of Curry County, marked by a 5/8" rebar with a plastic cap, said line being the Basis of Bearings;

Thence North 56° 25' West 34.93 feet along the westerly right-of-way of Memory Lane to the TRUE POINT OF BEGINNING.;

Thence continuing North 56° 25' West 47.17 feet along said westerly right-of-way of Memory Lane;

Thence North 71° 07' West 15.51 feet along said westerly right-of-way of Memory Lane;

Thence South 47° 20' 14" East 15.67 feet;

Thence South 32° 41' 53" West 21.12 feet;

Thence South 55° 39' 16" East 13.83 feet;

Thence South 34° 08' 51" West 53.88 feet;

Thence South 62° 51' 42" West 11.93 feet;

Thence South 27° 08' 18" East 51.37 feet along said easterly right-of-way of Cove Road to the southwest corner of said parcel;

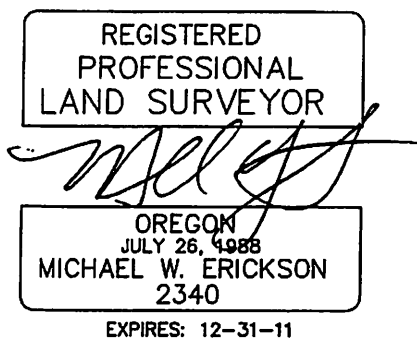
Thence North 47° 30' 13" East 9.67 feet along the southerly property line of said parcel;

Thence North 27° 08' 18" West 12.48 feet;

Thence easterly 28.16 feet on a concave curve to the North having a radius of 58 feet through a central angle of 27° 48' 14" whose chord bears North 20° 05' 02" East 27.88 feet;

Thence North 34° 20' 44" East 56.14 feet;

Thence easterly 20.81 feet on a concave curve to the North having a radius of 25 feet through a central angle of  $47^{\circ} 42' 02''$  whose chord bears North  $58^{\circ} 11' 45''$  East 20.22 feet to the point of beginning, containing 3,188 square feet, more or less, all as specified on the attached Figure No. 1.



**EXHIBIT A**

**CITY OF BROOKINGS  
RIGHT-OF-WAY DEDICATION No. 2**

A right-of-way dedication which affects a parcel of land owned by John Hance as described in Instrument No. 2011-03223; Deeds Records of Coos County, located in the Southeast quarter of the Southeast quarter Section 6, Township 41 South, Range 13 West of the Willamette Meridian, City of Brookings, Curry County, Oregon more particularly described as follows:

Beginning at the north corner of said parcel marked by a 5/8" rebar;

Thence South 40° 43' 33" East 9.12 feet along the westerly line of said parcel;

Thence North 78° 59' 49" East 10.32 feet to the east line of said parcel;

Thence North 72° 55' 39" West 16.83 feet to the point of beginning, containing 41 square feet, more or less, all as specified on the attached map Fig. No. 1.



EXPIRES: 12-31-11



**EXHIBIT A**

**CITY OF BROOKINGS  
VACATION NO. 1**

A vacation of a portion of Cove Road right-of-way located in the Southeast quarter of the Southeast quarter Section 6, Township 41 South, Range 13 West of the Willamette Meridian, City of Brookings, Curry County, Oregon more particularly described as follows:

Beginning at the northwest corner of Parcel 1 of Partition Plat 2005-32, Plat Records of Curry County, marked by a 5/8-inch rebar with plastic cap which bears South 47° 30' 13" West of the northeast corner of said Parcel 1, marked by a 5/8-inch rebar, said line being the Basis of Bearings;

Thence South 47° 30' 13" West 9.67 feet to an angle point on the easterly right-of-way of said Cove Road;

Thence North 27° 08' 18" East 51.37 feet along said easterly right-of-way to the TRUE POINT OF BEGINNING of said vacation;

Thence continuing North 27° 08' 18" West 13.62 feet to an angle point on said easterly right-of-way of Cove Road.;

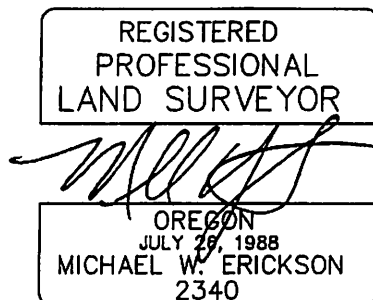
Thence North 40° 43' 33" West 146.94 feet along said easterly right-of-way of Cove Road;

Thence South 82° 56' 48" West 36.62 feet to a point on the westerly right-of-way of Cove Road;

Thence South 40° 53' 20" East 163.71 feet to an angle point on the westerly right-of-way of Cove Road, marked by a 5/8-inch rebar.;

Thence South 27° 08' 18" East 10 feet, along said westerly right-of-way of Cove Rd.;

Thence North 62° 51' 42" East 30 feet to the point of beginning, containing 5,049 square feet, more or less, all as specified on the attached Figure No. 1.



EXPIRES: 12-31-11

**EXHIBIT A**

**CITY OF BROOKINGS  
VACATION NO. 2**

A vacation of a portion of Memory Lane right-of-way located in the Southeast quarter of the Southeast quarter Section 6, Township 41 South, Range 13 West of the Willamette Meridian, City of Brookings, Curry County, Oregon more particularly described as follows:

Beginning at the northeast corner of Parcel 1 of Partition Plat 2005-32, marked by a 5/8" rebar which bears North 47° 30' 13" East 110.99 feet from the northwest corner of said Parcel 1, marked by a 5/8" rebar with plastic cap, said line being the Basis of Bearings;

Thence North 56° 25' West 82.10 feet along the westerly right-of-way of Memory Lane;

Thence North 71° 07' West 67.39 feet along said westerly right-of-way of Memory Lane to the TRUE POINT OF BEGINNING;

Thence North 42° 41' 57" West 42.07 feet;

Thence South 78° 59' 49" West 44.48 feet to said westerly right-of-way;

Thence South 72° 55' 39" East 67.88 feet to an angle point on said westerly right-of-way;

Thence South 71° 07' East 7.71 feet to the TRUE POINT OF BEGINNING, containing 788 square feet, more or less, all as specified on the attached Figure No. 1.



## EXHIBIT A

### CITY OF BROOKINGS SIDEWALK/CURB EASEMENT

An easement for the purposes of construction, replacement, and maintenance of a sidewalk and curb consisting of two separate easements, which affects a parcel of land owned by John Hance, Successor Trustee of the Eugene V. Hance Trust dated March 16, 2001 as described in Instrument No. 2011-03223; Deeds Records of Curry County, located in the Southeast quarter of the Southeast quarter of Section 6, Township 41 South, Range 13 West of the Willamette Meridian, City of Brookings, Curry County, Oregon being more particularly described as follows:

#### SIDEWALK/CURB EASEMENT A:

Beginning at the southeast corner of said parcel marked by a 5/8" rebar, which bears North 47° 30' 13" East 110.99 feet from the northwest corner of Parcel 1 of Partition Plat 2005-32, Plat Records of Curry County, marked by a 5/8" rebar with plastic cap said line being the Basis of Bearings;

Thence North 56° 25' West 21.64 feet along the westerly right-of-way of Memory Lane to the TRUE POINT OF BEGINNING of sidewalk/curb easement A;

Thence continuing North 56° 25' West 13.29 feet along said westerly right-of-way of Memory Lane;

Thence westerly 20.81 feet on a concave curve to the South having a radius of 25 feet through a central angle of 47° 42' 02" whose chord bears South 58° 11' 45" West 20.22 feet along the new southerly right-of-way of the re-aligned Cove Road;

Thence South 34° 20' 44" West 34.14 feet along said southerly right-of-way of the re-aligned Cove Road;

Thence South 55° 39' 16" East 6 feet;

Thence South 34° 20' 44" West 22.01 feet;

Thence westerly 22.98 feet on a concave curve to the South having a radius of 52 feet through a central angle of 25° 18' 46" whose chord bears South 21° 41' 21" West 22.07 feet;

Thence South 53° 31' 10" West 6.8 feet to the east right-of-way of Cove Road;

Thence South 27° 08' 18" East 10.51 feet to the northwest corner of Parcel 1, marked by a 5/8" rebar;

Thence North 47° 30' 13" East 12.15 feet along the southerly line of said parcel;

Thence North 17° 19' 43" East 22.56 feet;

Thence North 34° 20' 44" East 21.17 feet;

Thence North 03° 15' 17" East 15.49 feet;

Thence North 34° 20' 44" East 21.28 feet;

Thence easterly 26.29 feet on a concave curve to the North having a radius of 19 feet through a central angle of 79° 16' 05" whose chord bears North 73° 58' 47" East 24.24 feet to the true point of beginning A, all as specified on the attached Figure No. 2.

ALSO AND:

SIDEWALK/CURB EASEMENT B:

Beginning at the, northwest corner of said Parcel 1 of Partition Plat 2005-32, marked by a 5/8" rebar with plastic cap, which bears South 47° 30' 13" West 110.99 feet from the southeast corner of said parcel owned by John Hance, marked by a 5/8" rebar, said line being the Basis of Bearings;

Thence South 47° 30' 13" West 9.67 feet along the southerly line of said parcel;

Thence North 27° 08' 18" West 51.37 feet along the old easterly right-of-way of Cove Road to the TRUE POINT OF BEGINNING of sidewalk/curb easement B;

Thence North 62° 51' 42" East 11.93 feet along the new right-of-way of the re-aligned Cove Road;

Thence North 34° 08' 51" East 4.54 feet along the new right-of-way of the re-aligned Cove Road;

Thence North 10° 39' 16" West 8.73 feet;

Thence North 34° 20' 44" East 43.17 feet to the new right-of-way of the re-aligned Cove Road;

Thence North 55° 39' 16" West 7.83 feet along said new right-of-way of the re-aligned Cove Road;

Thence South 32° 41' 53" West 8.08 feet;

Thence South 34° 56' 59" West 38.41 feet;

Thence South 10° 39' 16" East 8.27 feet;

Thence South 21° 56' 23" West 12.32 feet to the true point of beginning B, all as specified on the attached Figure No. 2.

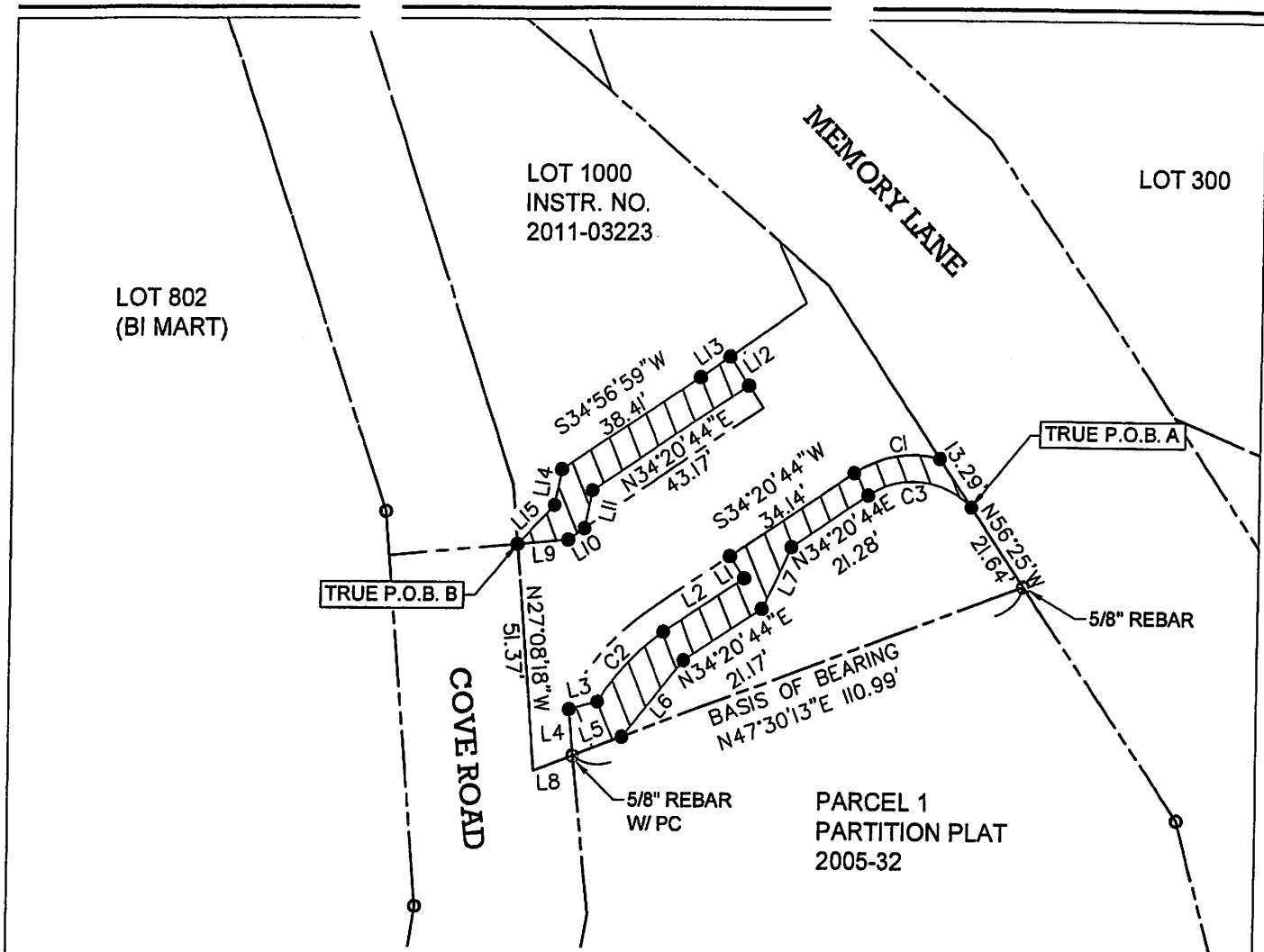
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
JULY 26, 1988  
MICHAEL W. ERICKSON  
2340

EXPIRES: 12-31-11

\\Dyer\projects\01Active\145.00A\DWG\RAILROAD STREET\RAILROAD ST. & COVE RD AT 7E.dwg 11/11/2011 10:11:32 AM PST



CURVE	Δ	RADIUS	LENGTH	CH. BEAR.	CH. LENGTH
C1	47°42'02"	25'	20.81'	S58°11'45"W	20.22'
C2	25°18'46"	52'	22.98'	S21°41'21"W	22.07'
C3	79°16'05"	19'	26.29'	N73°58'47"E	24.24'

LINE	BEARING	LENGTH
L1	S55°39'16"E	6'
L2	S34°20'44"W	22.01'
L3	S53°31'10"W	6.8'
L4	S27°08'18"E	10.51'
L5	N47°30'13"E	12.15'
L6	N17°19'43"E	22.56'
L7	N31°5'17"E	15.49'
L8	S47°30'13"W	9.67'
L9	N62°51'42"E	11.93'
L10	N34°08'51"E	4.54'
L11	N10°39'16"W	8.73'
L12	N55°39'16"W	7.83'
L13	S32°41'53"W	8.08'
L14	S10°39'16"E	8.27'
L15	S21°56'23"W	12.32'



SCALE: 1" = 40'

LOCATED IN SECTION 6, TOWNSHIP 41 SOUTH,  
RANGE 13 WEST OF THE WILLAMETTE MERIDIAN, CITY  
OF BROOKINGS, CURRY COUNTY, OREGON.

THE DYER PARTNERSHIP ENGINEERS & PLANNERS, INC.  DATE: NOV., 2011 PROJECT NO.: 145.00A	CITY OF BROOKINGS CURRY COUNTY, OREGON	FIGURE NO.  2
	SIDEWALK/CURB EASEMENT	

## EXHIBIT A

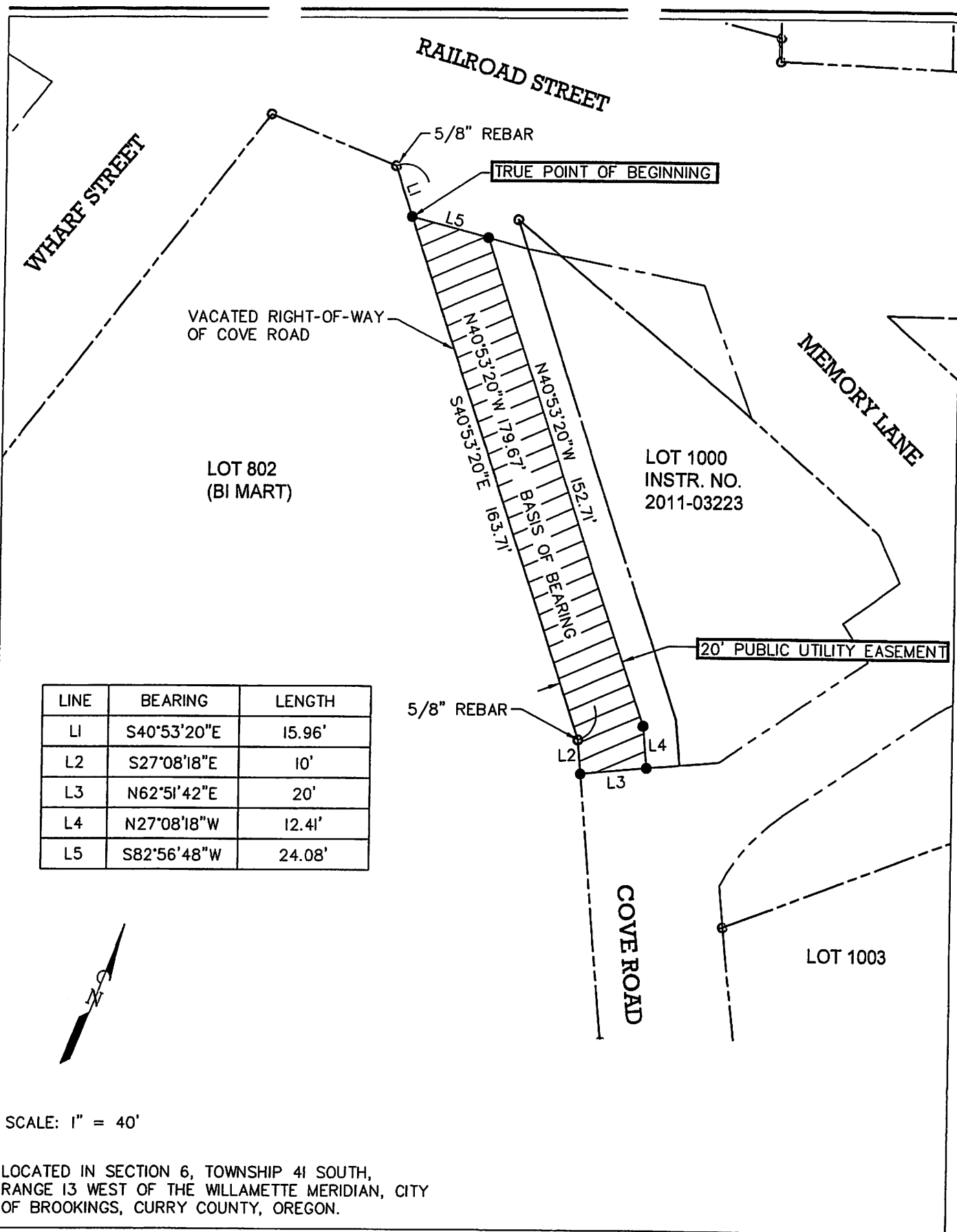
### CITY OF BROOKINGS PUBLIC UTILITY EASEMENT

A 20-foot easement for the purpose of construction, replacement, operation, inspection, repair and maintenance of underground utilities, that affects the portion of Cove Road right-of-way that is being vacated by the City; Deeds Records of Curry County, located in the Southeast quarter of the Southeast quarter of Section 6, Township 41 South, Range 13 West of the Willamette Meridian, City of Brookings, Curry County, Oregon with said easement being more particularly described as follows:

The westerly 20-foot of said right-of-way of Cove Road that is being vacated, all as specified on the attached Figure No. 3.



\\Dyer\projects\01Active\145.00A\DWG\RAILROAD STREET & COVE RD AIT 7E.dwg 11/11/2011 10:11:32 AM PST



THE DYER PARTNERSHIP  
ENGINEERS & PLANNERS, INC.

DATE: NOV., 2011

PROJECT NO.: 145.00A

CITY OF BROOKINGS  
CURRY COUNTY, OREGON

PUBLIC UTILITY EASEMENT

FIGURE NO.

3





THE DYER PARTNERSHIP  
ENGINEERS & PLANNERS, INC.

1330 Teakwood Avenue  
Coos Bay, Oregon 97420  
Ph: (541) 269-0732  
Fx: (541) 269-2044  
www.dyerpart.com

## M E M O R A N D U M

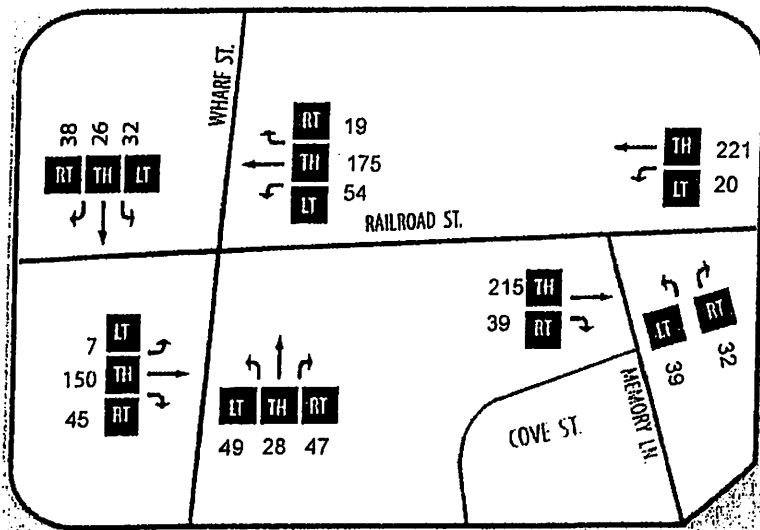
DATE	August 23, 2011.
TO	Gary Milliman City of Brookings
FROM	Tom Hart, PE City Engineer
PROJECT NAME	Bi-Mart – Cove Road Realignment
PROJECT NO.	145.00A (unknown case number)

The road configuration of Wharf Street, Cove Road and Memory Lane at their intersection with Railroad Street is currently operating at a Level of Service D (LOS), a marginally acceptable level of performance. LOS classifications range from A to F, with A indicating the most desirable classification and condition, and F indicating the most unsatisfactory condition. Closure of Cove Road will improve the intersection LOS

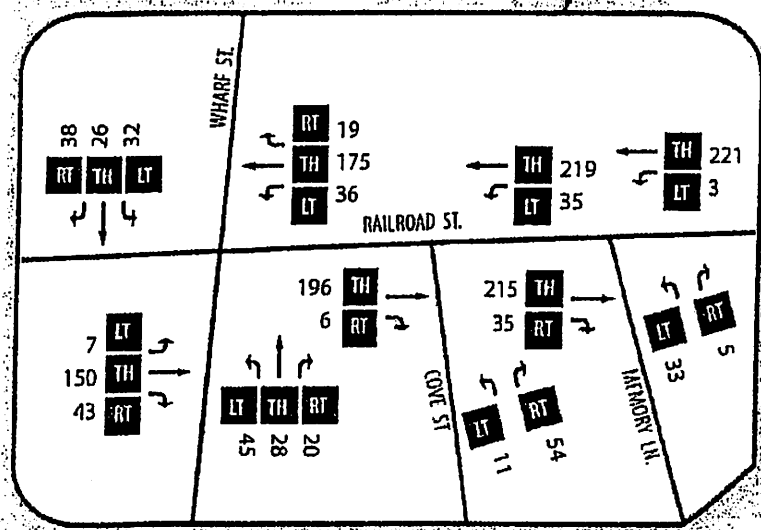
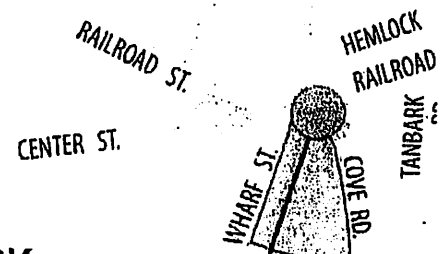
The City of Brookings Transportation System Plan (TSP), amended June 2006, indicates that roadways Wharf Street, Memory Lane, Cove Road and Railroad Street operate at a LOS A for through capacity. The TSP identifies these intersecting roads (Wharf Street, Memory Lane and Cove Road) to consolidate access to Railroad Street. Per the TSP, Wharf Street is designated as a local street with a traffic volume Average Annual Daily Traffic (AADT) count of 2,000 (capacity of 6,000); Memory Lane is identified as a collector (minor) street by classification and is similar to Wharf Street. Cove Road is a local street with an AADT less than 1,200, and Railroad Street is designated as a collector with an of AADT of 5,600 (capacity 10,000 AADT).

A Traffic Impact Analysis prepared by JRH Transportation Engineering, dated April 7, 2011, for the Bi-Mart site indicates the intersections with Railroad Street operate at a LOS D, which is a marginally acceptable level of performance. Two factors that contribute to the LOS D rating are the sight stopping distance and the skewed angle of Cove Road at its intersection with Railroad Street. By closing the intersection of Cove Road at Railroad Street and by rerouting Cove Road to Memory Lane, the sight stopping distance will be greatly improved and the intersection skew angle will be corrected. See Alternate 6. Assuming Cove Road is closed and the Bi-Mart project is built, the adjusted Peak Hour Volumes are shown in Figure 1a and 1b attached.

Based on a Saturday Peak Hour traffic of 10% of the AADT, the closing of Cove Road results in Wharf Street and Memory Lane operating within acceptable capacity levels.



**Figure 1b: Estimated Adjusted Saturday Peak Hour Volumes - Cove Closed**



**Figure 1a: 2011 Build Seasonally Adjusted Saturday Peak Hour Volumes**

Reference: Figure 5, Bi-Mart TIA Dated April 2011  
by JRH

THE DYER PARTNERSHIP ENGINEERS & PLANNERS, INC.  DATE: AUGUST, 2011 PROJECT NO.: 145.00A	CITY OF BROOKINGS COVE ROAD REALIGNMENT  ADJUSTED SATURDAY PEAK HOUR VOLUMES	FIGURE NO.  1
--	---	---------------------



ATTACHMENT C

## MEMO

**TO:** File MC-1-11 for CUP-1-11 and VAC-1-11

**FROM:** Chris Wallace, Police Chief *CW/201*  
Bill Sharp, Fire Chief *WS*  
Loree Pryce, Public Works Director *LP*

**DATE:** Nov. 9, 2011

**SUBJECT:** Vacation/ Re-Alignment of Cove Rd.

Staff has reviewed the proposed vacation of the northerly portion of Cove Rd. and the re-alignment connecting Cove Rd. with Memory Ln. We, in our official capacity as City staff, support this proposal.

BEFORE THE PLANNING COMMISSION  
CITY OF BROOKINGS, COUNTY OF CURRY  
STATE OF OREGON

In the matter of Planning Commission File MC-1-11 to CUP-1-11, a request for a minor change to a Conditional Use Permit (Bi-Mart); City of Brookings, Applicant.	) Final ORDER ) and Findings of ) Fact ) )
--	--

**ORDER** approving an application for a Minor Change to Condition of Approval # 2, Street Conditions, Cove Rd, of the Bi-Mart Conditional Use Permit on a 3.5 acre parcel of land located on ; Assessor's Map 41-13-06DD, Tax Lot 802; zoned IP (Industrial Park).

**WHEREAS:**

1. The Planning Commission duly accepted the application filed in accordance with the Brookings Municipal Code pursuant to 17.136.140, Minor Change to a Conditional Use Permit and 17.116.090, Minor Change to a Planned Community; and
2. Such application is required to show evidence that all of the following criteria have been met:  
17.116.090 states,  
"The applicant may apply to the Planning Commission for a minor change to the site plan and/or conditions of approval of an approved Planned Community. The Planning Commission will hold a public hearing to consider the nature of the requested change, impacts the change may have on surrounding properties and/or on the remaining portion of the project, and the impact on the City's services and facilities. The Commission may approve or deny the minor change. If the change is approved it may be incorporated into the project. If it is denied the project remains as originally approved and the change cannot be incorporated. Applications for a minor change must be submitted with the following:  
A. A filing fee in an amount established by general resolution of the City Council. No part of the fee is refundable.  
B. A site plan or revised subdivision map showing the proposed changes and how they compare to the originally approved project. If the change does not include the physical site plan of the project, a text explaining the desired change must be submitted.  
C. A statement explaining how the proposed change relates to the approved project and any impacts it may have on the project and/or adjoining property holders and City services and facilities."
3. The Brookings Planning Commission duly set this matter upon the agenda of a public meeting and considered the above described application with the public hearing a matter of record of the Planning Commission meeting of November 29, 2011; and
4. At the public meeting on said minor change application, evidence and testimony was presented by the Applicant and recommendations were received from and presented by the Planning Director in the form of a Staff Agenda Report, dated Nov. 21, 2011 and oral presentation of same; and

5. At the conclusion of the presentation of the Planning Director and the public, after consideration and discussion the Brookings Planning Commission, upon a motion duly seconded, approved the request for the Minor Change and directed staff to prepare a Final ORDER with the findings set forth therein for the approval of said application.

**THEREFORE, LET IT BE HEREBY ORDERED** that the application for the Minor Change is approved. This approval is supported by the following analysis, findings, and conclusions:

17.116.090 (B), Brookings Municipal Code (BMC), requires a site plan to show the proposed changes and how they compare to the original site plan.

Response: **Exhibit 2** shows the proposed change to Cove Rd. and the location of Bi-Marts exit from their parking lot that utilizes Cove Rd. **Exhibit 3** is the site plan approved in CUP-1-11. In addition, **Attachment A** shows the detail of vacations and dedications that are proposed.

17.116.090 (C), BMC, requires a statement explaining how the proposed change:

- relates to the approved project.

Response: From the parking lot access point on Cove Rd., north to it's intersection with Railroad is proposed to be vacated and deeded to the restaurant property to the east. Cove Rd. is proposed to be re-aligned and constructed through what is now the restaurant property's parking lot and connect to Memory Ln. to provide an outlet to Railroad St. Dyer Partnership, the City's Engineering firm, has studied this proposal to determine if it will improve the traffic circulation in this area. Presently there are several streets that intersect within close proximity to each other. The Dyer report states the proposal will improve the situation, and deals with the traffic needs in this area.

- impacts it may have on the project and/or adjoining property holders.

Response: This proposal does impact the restaurant property to the east of Cove Rd. It will remove their present parking lot which will be replaced by a parking lot in the vacated area of Cove Rd. This will provide more parking than they presently have. The property owner is in agreement with this plan and is a co-applicant to this application.

The proposal will increase traffic for a short distance on Memory Ln adjacent to a residence. Memory Ln. will be physically improved in this area though and the intersection with Railroad St. will be corrected to provide a right-angle alignment making for a safer facility.

The Minor Change will result in the altering of Condition of Approval #2, Street Conditions, Cove Rd., in the Final Order. This eliminates the required street improvements adjacent to the subject property in the area where Cove Rd. will be vacated.

- impacts it may have on City services and facilities.

Response: The City's Transportation System Plan (2002) (TSP) calls for a reconfiguration of the Railroad/ Memory/ Cove intersection. The TSP describes this

project as "realign roadways to consolidate access to Railroad Street." This is the only intersection project identified in the 2006 System Development Charge (SDC) study as being eligible for the use of SDC funds. This change will implement the project identified in the 2002 TSP with funding allocated consistent with the 2006 SDC study.

As explained above the proposal will improve the City's facilities and thereby the service they provide.

City Staff has reviewed this proposal and emergency service providers and Public Works Director has provided a written statement of their support.

Staff believes that with the responses as stated above and the materials referenced, the criteria have been met for approval of the minor change.

### **CONDITIONS OF APPROVAL**

The conditions of approval are attached to this document and are made apart thereof.

**LET IT FURTHER BE OF RECORD** that the Planning Commission approved the requested Minor Change to Condition of Approval # 2, Street Conditions, Cove Rd. All other original conditions of approval remain in force.

Dated this 29<sup>th</sup> day of November, 2011.

  
\_\_\_\_\_  
Hedda Markham, Acting Chairperson

ATTEST:

  
\_\_\_\_\_  
Dianne L. Morris, Planning Director

CONDITIONS OF APPROVAL

APP-1-11/CUP-1-11, Bi-Mart

June 29, 2011

*As amended by the City Council*

**MC-1-11/APP-1-11/CUP-1-11, Bi-Mart**

**Nov. 29, 2001**

*As amended by the Planning Commission (has strikethroughs or bold type )*

General Conditions

1. Approval of this conditional use permit will expire two years from approval, unless the project comes under substantial construction and continues under construction. The Planning Commission may extend the permit for an additional one-year period at the request of the applicant.
2. The conditions stated herein are mandatory and must be completed. Failure to comply with any condition will result in the review and possible revocation of your permit pursuant to Section 17.136.110, Violation of Conditions, of the Land Development Code. The loss of your permit will result in the closure of your business.
3. All improvements shall be carried out in conformance with the provisions of the Land Development Code, the Public Works Standard Specifications Document, and all other applicable City ordinances.
4. All costs of plan checks and inspections by the City Engineer and the Public Works Technical Services Superintendent shall be paid by the Applicant to the City.
5. A lot line vacation application must be submitted and approved removing the internal property boundaries between tax lots 800, 802, and 900 prior to the issuing of the building permit.
6. Deliveries of products must be done during hours the store is open to the public.
7. Construction of this project must be in conformance with the narrative description and plans found in the Applicant's submittals.
8. The Applicant shall contact Oregon Department of Environmental Quality (DEQ) concerning the need for a 1200C permit. If a DEQ permit is required, a copy must be provided to the City.
9. The southeast property line adjacent to the residentially zoned parcel must have a 15 ft. setback and contain landscaping to provide visual screening as required in 17.64.080(H).
10. The emergency generator must be enclosed in a sight-obscuring fence and be the low-noise type described in the Applicants Findings. All other outside mechanical equipment and refuse receptacles must also be screened from view.
11. An outdoor garden area as shown on the plans is approved. This area is adjacent to the northwest corner of the building, is approximately 24 ft. by 45 ft., and will be enclosed with a fence.

12. Prior to any construction or grading on the site, the contractor will place, in a location visible from an existing public street, a sign containing the name of the contractor and a telephone number where the contractor can be reached.
13. **The City Council must grant approval of the Vacation/re-alignment as described in the staff report for MC-1-11 or this Minor Change approval is null and void and the original Final Order and Conditions of Approval remain in force.**

#### Off- Street Parking Requirements

1. The parking and landscaping must be constructed as proposed in the application with 146 parking spaces, including 5 ADA spaces. In addition, 2 loading spaces and 4 covered bicycle spaces will be provided. The Applicant states approximately 16% of the parking area will be landscaped. A final landscaping plan must be submitted prior to the issuance of the building permit and the parking lot and landscaping must comply with standards as found in 17.92.100, Brookings Municipal Code (BMC).
2. All outdoor lighting shall be directed and/or shielded so as to prevent light from falling directly on adjoining residentially zoned properties. As proposed the Applicant shall also equip all outdoor lighting fixtures with "cut-off" type shielding.
3. *A 4 ft. high solid concrete/ masonry wall must be installed behind the 5 ft. vegetated strip in the area adjacent to the 12 most southerly parking spaces on Wharf St.*

#### Street Conditions

1. Engineered plans for the following improvements must be submitted and approved by the City prior to construction.
2. Street improvements are required as follows:
  - Wharf Street –
    - Adjacent to tax lot 800 an additional 5 ft. wide area must be dedicated to the right-of-way.
    - Adjacent to tax lots 900 and 802 sidewalks, curbs, and gutters and any required paving must be constructed. No parking signs shall to be installed in this area adjacent to the subject property.
  - Railroad Street –
    - The northern boundary of tax lot 802 an additional 8 ft. wide area must dedicated to the right-of-way. Sidewalk, curb, and gutter and any required paving must be constructed.
  - Cove Road –
    - Adjacent to tax lot 800 an additional 10 ft. wide area must be dedicated to the right-of-way.
    - ~~Adjacent to tax lot 802 an additional 4 ft. wide area must be dedicated to the right of~~



~~way. Sidewalk, curb, and gutter and paving to create a paved road surface 28 ft. in width must be constructed. No parking signs shall to be installed in this area adjacent to the subject property.~~

- The access to the off-street parking area shall be moved an additional 100 ft. to the north on Cove Rd. compared to the proposed access point shown on the plan, as required by the Applicant's traffic impact study.

3. The appropriate document for dedication of right-of-way areas described above must be submitted for City Council approval prior to construction of the street improvements.
4. Street lights shall be provided as required by the City Engineer.

#### Storm Drainage Conditions

1. Plans considering all drainage from the subject property including roof drains shall be prepared by an engineer, licensed in the State of Oregon, to address on-site and off-site impacts in a manner that protects down stream properties. These engineered plans must be submitted and approved by the City prior to construction.

#### Sewer and Water Requirements

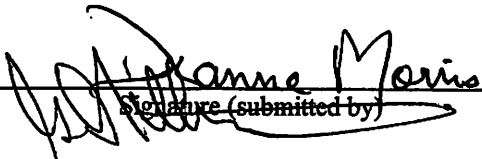
1. Abandon existing unused sanitary or storm lateral at the right-of-way line.
2. Abandon existing unused water lateral at the right of way line.
3. Two fire hydrants must be installed in the locations shown on the plans.

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: December 19, 2011

Originating Dept: Planning

  
Signature (submitted by)  
\_\_\_\_\_  
City Manager Approval

---

**Subject:** Final Order for Cove Rd. Vacation/ re-alignment and Adopting Ordinance.

**#1 Recommended Motion:** Motion to approve the Final Order for the vacation/ re-alignment of the most northerly portion of Cove Rd.

**#2 Recommended Motion:** Motion to adopt Ordinance 11-O-688

**Financial Impact:** System Development Charges will pay for these improvements

**Background/Discussion:** The decision regarding the vacation/re-alignment of the most northerly portion of Cove Rd. was approved by the City Council at their December 19, 2011 meeting.

**Policy Considerations:** N/A

**Attachment(s):**  
A. Final Order for Cove Rd. Vacation/re-alignment  
B Adopting Ordinance 11-O-688.

BEFORE THE COMMON COUNCIL  
CITY OF BROOKINGS, COUNTY OF CURRY  
STATE OF OREGON

In the matter of VAC-1-11, application for approval of a right-of-way Vacation, City Initiated.	) Final ORDER ) and Findings of ) Fact
---	--

**ORDER** approving an application for a Vacation of approximately 180 ft. of the most northerly portion of Cove Road right-of-way to its intersection with Railroad St; Map 41-13-06DD, between tax lots 802 and 1000.

**WHEREAS:**

1. The Planning Commission duly accepted the application filed in accordance with the Brookings Municipal Code pursuant to 17.148, Vacations; and
2. Such application is required to show evidence that all of the following criteria have been met:
  - A. Compliance with the comprehensive Plan, circulation element or other applicable section of the document.
  - C. If initiated upon a recommendation of the Planning Commission and/or the City Council on its own motion pursuant to ORS 271.130, a determination shall be made that the vacation will not substantially affect the market value of all such abutting property to the area proposed to be vacated, unless the City council proposes to provide for paying such damages.
3. The Brookings Planning Commission duly considered the above described application at a public hearing on November 29, 2011; and
4. At the public hearing on said Vacation application, recommendations were received from and presented by the Planning Director in the form of a written Staff Report, dated Nov. 17, 2011 and oral presentation of same; and
5. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented, the Planning Commission, upon a motion duly seconded, accepted the Staff Report and recommended that the City council approve the Vacation; and
6. The Brookings City Council duly considered the above described application in a public hearing held on December 19, 2011; and
7. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence, the City Council, upon a motion duly seconded, accepted the Planning Commissions recommendation.

**THEREFORE, LET IT BE HEREBY ORDERED** that the application for a vacation of the subject right-of-way is approved. This approval is supported by the following findings, and conclusions:

17.148 (A), Brookings Municipal Code (BMC), requires the proposal to be in compliance with the Comprehensive Plan, circulation elements, or other applicable section of the document.

Response: The Transportation System Plan (2002) (TSP) is a supporting document to the Comprehensive Plan. The City's TSP calls for a reconfiguration of the Railroad/ Memory/ Cove intersection. The TSP describes this project as "realign roadways to consolidate access to Railroad Street." This is the only intersection project identified in the 2006 System Development Charge (SDC) study as being eligible for the use of SDC funds. This change will implement the project identified in the 2002 TSP with funding allocated consistent with the 2006 SDC study.

17.148 (C), BMC, requires a determination that the vacation will not substantially affect the market value of all such abutting property to the area proposed to be vacated, unless the City Council proposes to provide for paying such damages.

Response: The abutting properties are the sites of a retail store (Bi-Mart) and a restaurant (Super Fly). Bi-Mart is in agreement with this proposal as providing adequate access to their parking lot as stated in the City Engineers report. The property owner of the restaurant property is also in agreement with the proposal. This property will be bisected by the re-aligned Cove Rd., eliminating their current parking lot, however the deeding of the vacated portion of Cove Rd. to this property will provide for their needed off-street parking. Neither property will be monetarily damaged by the proposed street Vacation/ re-alignment

Oregon Revised Statutes (ORS) 271.120, requires a determination of whether the public interest will be prejudiced by the vacation of this portion of Cove Rd.

Response: This will provide for an improvement to the existing street intersections in this area of Railroad Ave. The two abutting properties will have adequate parking and access to the surrounding streets.

Staff believes that with the responses as stated above and the materials referenced, the criteria have been met for approval of the Vacation/ Re-alignment.

**LET IT FURTHER BE OF RECORD** that the City Council approved the requested Vacation as described in documents prepared for this matter and attached to Ordinance 11-O-688.

Dated this **19th** day of December, 2011.

---

Larry Anderson, Mayor

ATTEST:

---

Joyce Heffington, City Recorder

**IN AND FOR THE CITY OF BROOKINGS  
STATE OF OREGON  
ORDINANCE 11-O-688**

**IN THE MATTER OF ORDINANCE 11-O-688, AN ORDINANCE VACATING APPROXIMATELY 180 FEET OF THE MOST NORTHERLY PORTION OF COVE ROAD RIGHT-OF-WAY TO ITS INTERSECTION WITH RAILROAD STREET.**

**Sections:**

- Section 1. Findings and Determination
- Section 2. Vacation
- Section 3. Certification of Ordinance

The City of Brookings Ordains as follows:

**Section 1. Findings and Determination:** The City Council of the City of Brookings considered vacation of the following described parcel of land:

The most northerly portion, approximately 180 feet, of Cove Road to its intersection with Railroad Street, as described in Exhibit A.

The Recorder of the City of Brookings gave due notice of the public hearing to be held before the City Council at 7:00 PM, December 19, 2011, in City Hall Council Chambers, 898 Elk Drive, Brookings, Oregon, at which time any persons whomsoever having any objection or remonstrance to said right-of-way vacation or any part thereof, should file written objection or remonstrance with the City Recorder. It appears to the satisfaction of the City Council that the proposed vacation is in the best interests of the City. The public interest will not be prejudiced by the vacation, and the vacation will not substantially affect the market value of abutting property.

**Section 2. Vacation:** The City of Brookings does hereby vacate a certain right-of-way described in Exhibit A, and on the map, Exhibit B, attached.

**Section 3. Certification of Ordinance:** The City Recorder is hereby instructed to forthwith record and file certified copies of this Ordinance with the County Clerk, County Assessor and County Surveyor of Curry County, Oregon.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Passage: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Signed by me in authentication of its passage this \_\_\_\_\_, day of \_\_\_\_\_, 2011

ATTESTED:

\_\_\_\_\_  
Mayor Larry Anderson

\_\_\_\_\_  
City Recorder Joyce Heffington

**EXHIBIT A**

**CITY OF BROOKINGS  
VACATION NO. 1**

A vacation of a portion of Cove Road right-of-way located in the Southeast quarter of the Southeast quarter Section 6, Township 41 South, Range 13 West of the Willamette Meridian, City of Brookings, Curry County, Oregon more particularly described as follows:

Beginning at the northwest corner of Parcel 1 of Partition Plat 2005-32, Plat Records of Curry County, marked by a 5/8-inch rebar with plastic cap which bears South 47° 30' 13" West of the northeast corner of said Parcel 1, marked by a 5/8-inch rebar, said line being the Basis of Bearings;

Thence South 47° 30' 13" West 9.67 feet to an angle point on the easterly right-of-way of said Cove Road;

Thence North 27° 08' 18" East 51.37 feet along said easterly right-of-way to the TRUE POINT OF BEGINNING of said vacation;

Thence continuing North 27° 08' 18" West 13.62 feet to an angle point on said easterly right-of-way of Cove Road.;

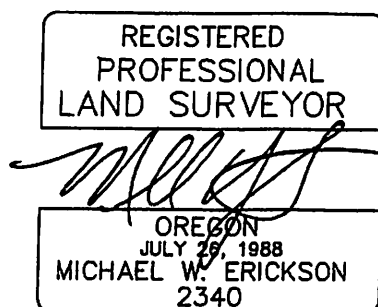
Thence North 40° 43' 33" West 146.94 feet along said easterly right-of-way of Cove Road;

Thence South 82° 56' 48" West 36.62 feet to a point on the westerly right-of-way of Cove Road;

Thence South 40° 53' 20" East 163.71 feet to an angle point on the westerly right-of-way of Cove Road, marked by a 5/8-inch rebar.;

Thence South 27° 08' 18" East 10 feet, along said westerly right-of-way of Cove Rd.;

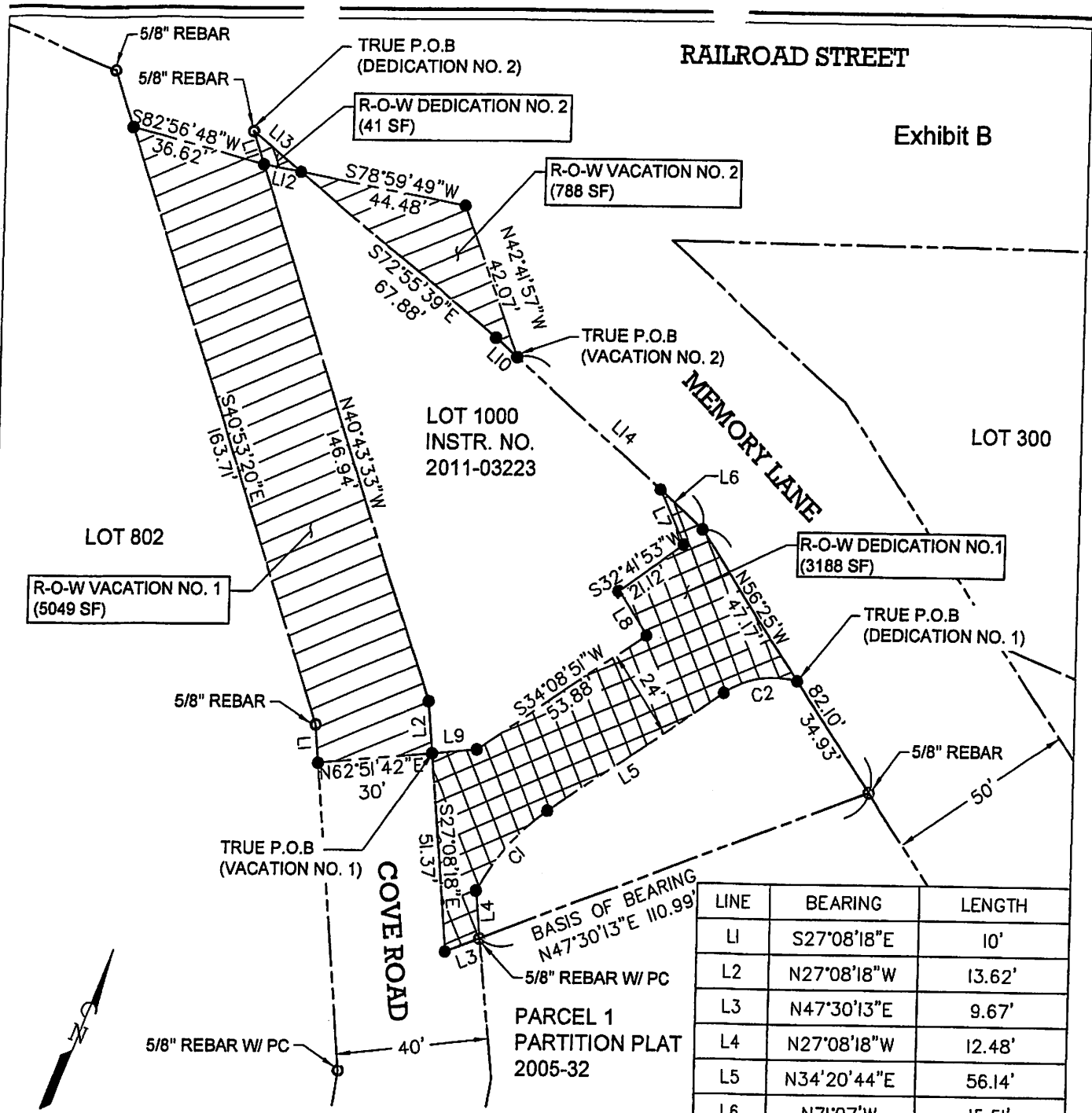
Thence North 62° 51' 42" East 30 feet to the point of beginning, containing 5,049 square feet, more or less, all as specified on the attached Figure No. 1.



EXPIRES: 12-31-11

# RAILROAD STREET

Exhibit B



SCALE: 1" = 40'

CURVE	Δ	RADIUS	LENGTH	CH. BEAR.	CH. LENGTH
C1	27°48'14"	58'	28.16'	N20°05'02"E	27.88'
C2	47°42'02"	25'	20.81'	N58°11'45"E	20.22'

LOCATED IN SECTION 6, TOWNSHIP 41 SOUTH,  
RANGE 13 WEST OF THE WILLAMETTE MERIDIAN, CITY  
OF BROOKINGS, CURRY COUNTY, OREGON.

LINE	BEARING	LENGTH
L1	S27°08'18"E	10'
L2	N27°08'18"W	13.62'
L3	N47°30'13"E	9.67'
L4	N27°08'18"W	12.48'
L5	N34°20'44"E	56.14'
L6	N71°07'W	15.51'
L7	S47°20'14"E	15.67'
L8	S55°39'16"E	13.83'
L9	S62°51'42"W	11.93'
LI0	S71°07'E	7.71'
LI1	S40°43'33"E	9.12'
LI2	N78°59'49"E	10.32'
LI3	N72°55'39"W	16.83'
LI4	N71°07'W	67.39'

THE DYER PARTNERSHIP  
ENGINEERS & PLANNERS, INC.

DATE: NOV., 2011

PROJECT NO.: 145.00A

CITY OF BROOKINGS  
CURRY COUNTY, OREGON

COVE ROAD RIGHT-OF-WAY VACATION/DEDICATION

FIGURE NO.

1



## **Public Notice**

NOTICE IS HEREBY GIVEN that on December 19, 2011, at 7:00pm in City Hall Council Chambers, 898 Elk Drive, during a Special City Council meeting, the following will be considered for adoption, by title only:

- In the matter of Ordinance 11-O-688, an ordinance vacating approximately 180 feet of the most northerly portion of Cove Road right-of-way to its intersection with Railroad Street.

All persons wishing to address these matters may do so in person at the meeting, or by submitting written evidence to the City Manager, Brookings City Hall, 898 Elk Drive, Brookings, 97415, prior to the meeting. Copies of the ordinance and associated staff report are available for inspection at City Hall, on the City's website at [www.brookings.or.us](http://www.brookings.or.us), and at the Chetco Community Public library. Copies of the documents may also be purchased.

All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with advance notification. Please contact 469-1102 if you have any questions regarding this notice.



Dianne Morris

EXHIBIT C

**From:** Tom Hart [thart@dyerpart.com]  
**Sent:** Monday, December 19, 2011 10:15 AM  
**To:** Dianne Morris  
**Cc:** 'Steve Major'  
**Subject:** RE: Comments on Cove Rd. Preliminary Plans

Hi Dianne:

In reference to the Cove Road / Memory Lane the intersection sight stopping distance is adequate.

Based on the AASHTO 2004 Geometric Design of Highways and streets, the following applies:

Stopping Distance @ 25 mph = 155 feet.

Stopping Distance at 20 mph = 115 feet

Stopping Distance at 15 mph = 80 feet.

Based on a 12 foot set from curb to curb setback on Cove Road, the intersection complies with the 25 mph stopping distance. Turning movements through intersections occur at 15 mph's or less. As vehicles approach Railroad, vehicles will be decelerating to 15 mph.

Thanks,

Tom Hart  
The Dyer Partnership

12/19/2011