

ORDINANCE NO. NS-2225

AN ORDINANCE VACATING THE RIGHT OF WAY OF A PORTION OF ELWOOD LANE AND SKYLINE RANCH ROAD ADJACENT TO THE NEW BEND-LA PINE MIDDLE SCHOOL.

Findings:

- A. On June 18, 2014, Bryant, Lovlien & Jarvis, PC filed a petition on behalf of the Bend-La Pine School District ("Applicant") to vacate a portion of Elwood Lane and Skyline Ranch Road adjacent to the new Bend-La Pine middle school site.
- B. On July 16, 2014, the City Council directed staff to proceed to process the Petition.
- B. On July 27, 2014 and August 3, 2014, the City published notice of a public hearing on the requested vacation in The Bulletin, a newspaper of general circulation in the City once each week for two consecutive weeks, consistent with ORS 271.110. Within five days after the first day of publication of the notice, the City posted notice of the proposed street vacation, in at least two conspicuous places, at or near each end of the proposed vacation areas. The first publication and posting of the notice occurred not less than 14 days prior to the hearing on the proposed vacation.
- D. The City Council held a public hearing on the proposed vacation on August 6, 2014.
- E. The Petitioner complied with applicable standards and the Applicants have submitted the required number of signatures for the Petition to be approved.
- F. The City Council has determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated in exchange for dedication of right of way for the new street alignments as proposed.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. A portion of Elwood Lane and Skyline Ranch Road adjacent to the new Bend-La Pine middle school site is vacated as contained in Exhibits A and B with the following condition:

- 1. Applicant shall dedicate right of way for the new street alignments as shown in Exhibits A and B.

Section 2. When the City Manager has certified in writing that the condition has been fulfilled, the City Recorder shall file and record this Ordinance in the Deschutes County Clerk's Office.


Section 3. If the condition is not fulfilled within one year from this Ordinance's effective date, this Ordinance shall be null and void.

First Reading Date: August 6, 2014

Second reading and adoption by roll call vote: August 20, 2014

YES: Mayor Jim Clinton
Councilor Jodie Barram
Councilor Mark Capell
Councilor Scott Ramsay
Councilor Victor Chudowsky
Councilor Sally Russell

NO: none



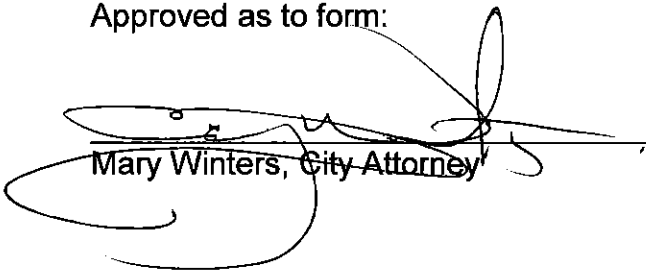
Jim Clinton, Mayor

Attest:



Robyn Christie, City of Bend Recorder

Approved as to form:



Mary Winters, City Attorney

**EXHIBIT A
ELWOOD LANE
RIGHT OF WAY VACATION
LEGAL DESCRIPTION
ROAD VACATION**

A PORTION OF THAT 60.00 FOOT WIDE STRIP OF LAND DESCRIBED IN THAT DEDICATION WARRANTY DEED RECORDED APRIL 3, 2008 IN VOLUME 2008, PAGE 14744, OFFICIAL RECORDS OF DESCHUTES COUNTY, OREGON, LOCATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT POINT LYING ON THE SOUTHERLY LINE OF SAID 60.00 FOOT WIDE STRIP OF LAND, SAID POINT LYING NORTH 40°11'38" WEST, A DISTANCE OF 1538.66 FEET, FROM THE SOUTHEAST CORNER OF SAID SECTION 35, MARKED BY A 3" DIAMETER BRASS CAP MONUMENT STAMPED DAVID EVANS AND ASSOCIATES, PLS 1068 / RESET 2003, PLS 1052, ALONG WITH OTHER MARKINGS;

THENCE, DEPARTING SAID SOUTHERLY LINE, NORTH 15°24'39" EAST, A DISTANCE OF 60.00 FEET, TO A POINT OF INTERSECTION WITH THE NORTHERLY LINE OF SAID 60.00 FOOT WIDE STRIP OF LAND, SAID POINT BEING A POINT OF NON-TANGENT CURVATURE WITH A CURVE HAVING A RADIUS OF 860.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 15°24'39" WEST;

THENCE, ALONG THE BOUNDARY OF SAID 60.00 FOOT WIDE STRIP OF LAND, THROUGH THE FOLLOWING SEVEN (7) COURSES:

PROCEEDING ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 15°24'15", AN ARC DISTANCE OF 231.21 FEET (THE CHORD OF WHICH BEARS SOUTH 82°17'29" EAST, A DISTANCE OF 230.52 FEET), TO A POINT OF TANGENCY;

THENCE, SOUTH 89°59'35" EAST, A DISTANCE OF 156.68 FEET, TO A POINT;

THENCE, SOUTH 0°00'25" WEST, A DISTANCE OF 337.80 FEET, TO A POINT;

THENCE, NORTH 89°59'35" WEST, A DISTANCE OF 60.00 FEET, TO A POINT;

THENCE, NORTH 0°00'25" EAST, A DISTANCE OF 277.80 FEET, TO A POINT;

THENCE, NORTH 89°59'35" WEST, A DISTANCE OF 96.68 FEET, TO A POINT OF CURVATURE WITH A CURVE HAVING A RADIUS OF 920.00 FEET;

THENCE, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 15°24'15", AN ARC DISTANCE OF 247.35 FEET (THE CHORD OF WHICH BEARS NORTH 82°17'29" WEST, A DISTANCE OF 246.60 FEET), TO THE **POINT OF BEGINNING**.

HEREIN DESCRIBED LANDS CONTAIN 0.93 ACRE, MORE OR LESS.

BASIS OF BEARINGS: NORTH 0°13'54" EAST ALONG THE EAST LINE OF THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, AS DETERMINED BETWEEN GPS DERIVED CENTRAL OREGON COORDINATE SYSTEM (C.O.C.S.) COORDINATE

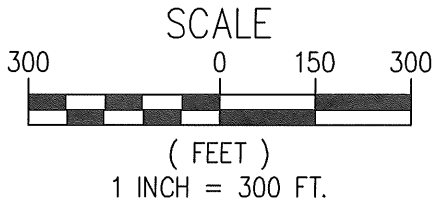
VALUES FOR THE SOUTHEAST CORNER AND EAST QUARTER CORNER OF SAID SECTION 35, SAID CORNERS BEING DESCRIBED ON EXHIBIT B ATTACHED HEREWITH.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Scott C. Bolduc
OREGON
JULY 20, 2009
SCOTT C. BOLDUC
#79288


EXPIRES: 12/31/15

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHD BEARING	CHD LENGTH
C1	231.21'	860.00'	15°24'15"	S82°17'29"E	230.52'
C2	247.35'	920.00'	15°24'15"	N82°17'29"W	246.60'

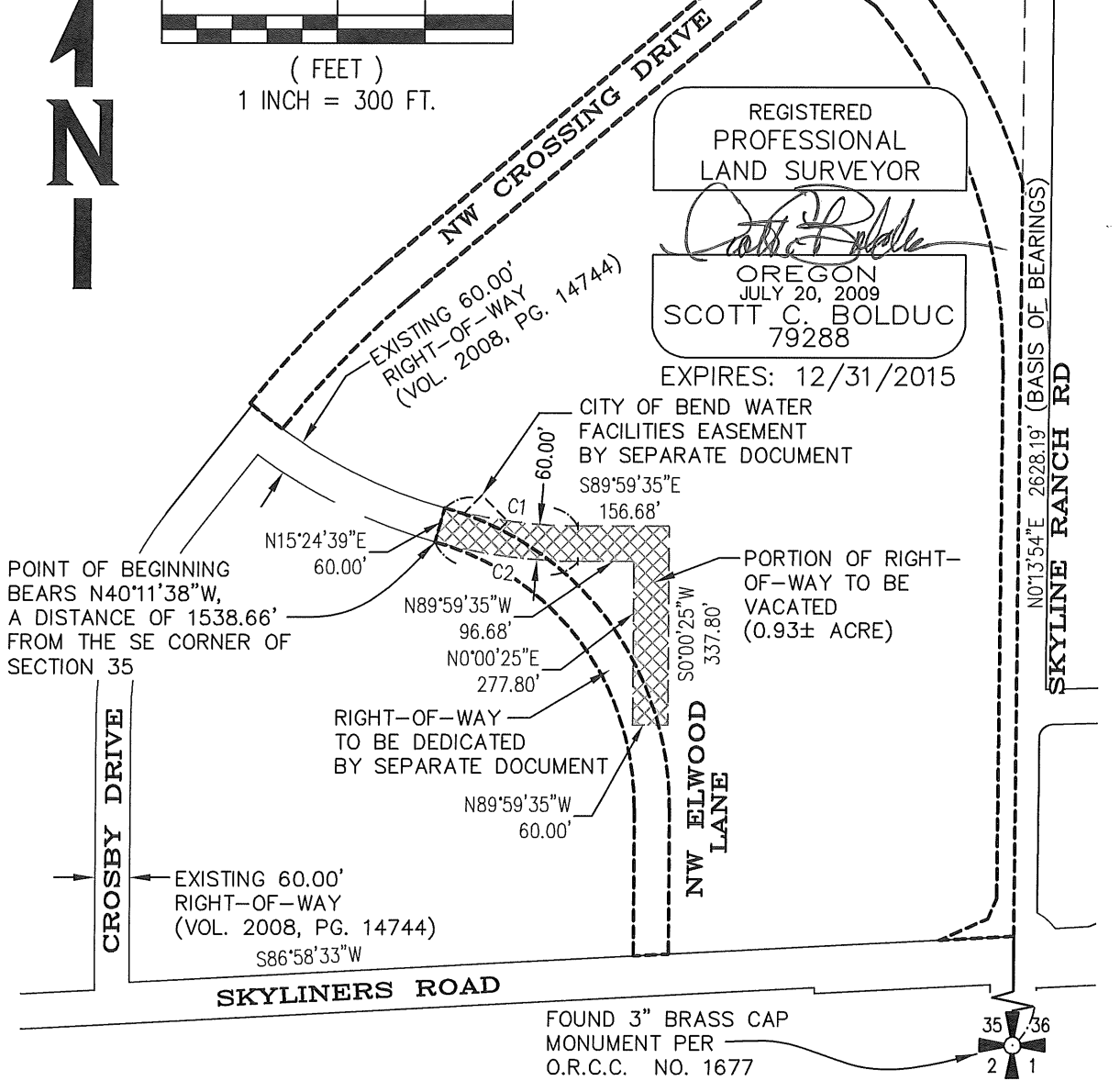


35
36
FOUND 2" IRON PIPE WITH MUSHROOMED TOP

REGISTERED PROFESSIONAL LAND SURVEYOR



OREGON
JULY 20, 2009
SCOTT C. BOLDOC
79288
EXPIRES: 12/31/2015



SHEET NUMBER
1 of 1

**ROAD RIGHT-OF WAY VACATION
BEND-LA PINE SCHOOL DISTRICT
SE1/4 SEC. 35, T.17S., R.11E., W.M.**

DRAWING INFO
P669W-0001
P000669W-0001-V-ROW
1"=300'

SHEET INFO
DRAWN SCB
CHECKED ANH
LAST EDIT 5/8/2014
PLOT DATE 5/8/2014

WHPacific
123 SW Columbia Street
Bend, OR 97702
541-388-4255 Fax 541-388-4229
www.whpacific.com

**EXHIBIT B
SKYLINE RANCH ROAD
RIGHT OF WAY VACATION
LEGAL DESCRIPTION
ROAD VACATION**

A PORTION OF THAT 50.00 FOOT WIDE STRIP OF LAND DESCRIBED IN THAT DEDICATION WARRANTY DEED RECORDED MARCH 14, 2000 IN VOLUME 2000, PAGE 9796, OFFICIAL RECORDS OF DESCHUTES COUNTY, LOCATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 36, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LYING ON THE WESTERLY LINE OF SAID 50.00 FOOT WIDE STRIP OF LAND, BEING COINCIDENT WITH THE WEST LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 36, SAID POINT LYING NORTH 0°13'54" EAST, A DISTANCE OF 1788.66 FEET, FROM THE SOUTHWEST CORNER OF SAID SECTION 36, MARKED BY A 3" DIAMETER BRASS CAP MONUMENT STAMPED DAVID EVANS AND ASSOCIATES, PLS 1068 / RESET 2003, PLS 1052, ALONG WITH OTHER MARKINGS;

THENCE, NORTH 0°13'54" EAST, A DISTANCE OF 671.66 FEET, ALONG THE WESTERLY LINE OF SAID 50.00 FOOT WIDE STRIP OF LAND, TO A POINT OF INTERSECTION WITH THE SOUTHERLY LINE OF THAT 70.00 FOOT WIDE RIGHT-OF-WAY FOR NW CROSSING DRIVE, SAID POINT LYING SOUTH 0°13'54" WEST, A DISTANCE OF 167.87 FEET FROM THE WEST QUARTER CORNER OF SECTION 36, MARKED BY A 2" IRON PIPE, SAID POINT ALSO BEING A POINT OF NON-TANGENT CURVATURE WITH A CURVE HAVING A RADIUS OF 766.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 28°24'40" WEST;

THENCE, ALONG SAID SOUTHERLY LINE OF THAT 70.00 FOOT WIDE RIGHT-OF-WAY FOR NW CROSSING DRIVE, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 2°35'21", AN ARC DISTANCE OF 34.62 FEET (THE CHORD OF WHICH BEARS NORTH 62°53'01" EAST, A DISTANCE OF 34.61 FEET), TO A POINT OF TANGENCY;

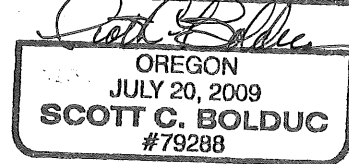
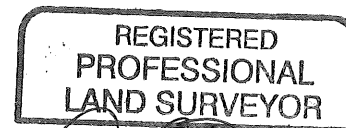
THENCE, NORTH 64°10'42" EAST, A DISTANCE OF 21.43 FEET, ALONG SAID SOUTHERLY LINE, TO A POINT;

THENCE, DEPARTING SAID SOUTHERLY LINE, SOUTH 0°13'54" WEST, A DISTANCE OF 1015.57 FEET, TO A POINT OF NON-TANGENT CURVATURE WITH A CURVE HAVING A RADIUS OF 1040.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 89°46'06" EAST;

THENCE, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 17°50'19", AN ARC DISTANCE OF 323.80 FEET (THE CHORD OF WHICH BEARS NORTH 8°41'16" WEST, A DISTANCE OF 322.49 FEET), TO THE **POINT OF BEGINNING**.

HEREIN DESCRIBED LANDS CONTAIN 0.90 ACRE, MORE OR LESS.

BASIS OF BEARINGS: NORTH 0°13'54" EAST ALONG THE EAST LINE OF THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, AS DETERMINED BETWEEN GPS DERIVED CENTRAL OREGON COORDINATE SYSTEM (C.O.C.S.) COORDINATE VALUES FOR THE SOUTHEAST CORNER AND EAST QUARTER CORNER OF SAID SECTION 35, SAID CORNERS BEING DESCRIBED ON EXHIBIT B ATTACHED HEREWITH.



EXPIRES: 12-31-2015

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHD BEARING	CHD LENGTH
C1	34.62'	766.00'	2°35'21"	N62°53'01"E	34.61'
C2	323.80'	1040.00'	17°50'19"	N08°41'16"W	322.49'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Scott C. Bolduc
OREGON
JULY 20, 2009
SCOTT C. BOLDUC
79288

EXPIRES: 12/31/2015

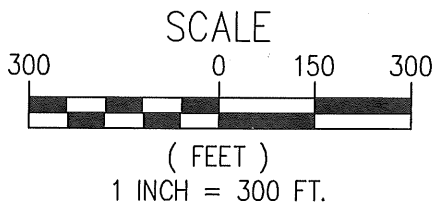
RIGHT-OF-WAY
TO BE DEDICATED
BY SEPARATE
DOCUMENT

PORTION OF
RIGHT-OF-WAY
TO BE VACATED
(0.90± ACRE)

POINT OF
BEGINNING

EXISTING 50.00' WIDE
RIGHT-OF-WAY
(V.2000, P.9796)

RIGHT-OF-WAY
TO BE DEDICATED
BY SEPARATE
DOCUMENT



NW ELWOOD
LANE

S86°58'33"W
SKYLINERS ROAD

FOUND 3" BRASS CAP
MONUMENT PER
O.R.C.C. NO. 1677

FOUND 2" IRON PIPE
WITH MUSHROOMED TOP
N0°13'54"E
167.87'

N0°13'54"E
167.87'

70.00'
36
NW CROSSING
DRIVE

N64°10'42"E
21.43'
C1

EXISTING
RIGHT-OF-WAY
(V.2000, P.9797)
PARTIAL VACATION
(V.2001, P.59395)

N0°13'54"E 671.66'

50.00'

S0°13'54"W 1015.57'

SKYLINE RANCH RD
N0°13'54"E 2628.19' (BASIS OF BEARINGS)

C2

1788.66'

N0°13'54"E

505.19'

36
2 1

SHEET NUMBER 1 of 1	DRAWING INFO P669W-0001 P000669W-0001-V-ROW 1"=300'	SHEET INFO		 123 SW Columbia Street Bend, OR 97702 541-388-4255 Fax 541-388-4229 www.whpacific.com
		DRAWN	SCB	
ROAD RIGHT-OF WAY VACATION BEND-LA PINE SCHOOL DISTRICT SW1/4 SEC. 36, T.17S., R.11E., W.M.		CHECKED	ANH	
		LAST EDIT	6/8/2014	
		PLOT DATE	6/8/2014	