

ORDINANCE NO. NS-2388

AN ORDINANCE VACATING THE ALLEY BOUNDED BY NE 3RD STREET, NE 4TH STREET, NE CLAY AVENUE AND NE BURNSIDE AVENUE

Findings:

- A. On August 18, 2020, Les Schwab Tire Centers (Petitioner) filed a petition to vacate the alley bounded by NE 3rd Street, NE 4th Street, NE Clay Avenue and NE Burnside Avenue.
- B. On September 16, 2020, the City Council directed staff to proceed to process the Petition.
- C. On September 23, 2020 and September 30, 2020, 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. On September 18, 2020, the City posted notice of the proposed street vacation at the eastern end of the proposed vacation area.
- D. The City Council held a public hearing on the proposed vacation on October 7, 2020.
- E. Petitioner complied with applicable standards and has 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 upon fulfillment of the conditions within this ordinance.

THE CITY OF BEND ORDAINS AS FOLLOWS:

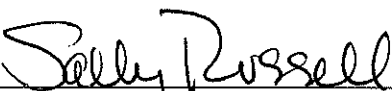
- Section 1. The alley bounded by NE 3rd Street, NE 4th Street, NE Clay Avenue and NE Burnside Avenue is vacated as described in Exhibit A and depicted in Exhibit B with the following condition:
- a. The applicant pays \$104,000 to be used for acquisition of the alley.
- Section 2. When the City Manager 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 conditions are not fulfilled within one year from this Ordinance's effective date, this Ordinance shall be null and void.

First Reading Date: October 7, 2020

Second reading and adoption by roll call vote: October 21, 2020

YES: Sally Russell, Mayor
Bruce Abernethy
Barb Campbell
Bill Moseley
Justin Livingston
Gena Goodman-Campbell
Chris Piper

NO: none



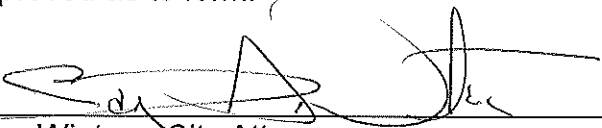
Sally Russell, Mayor

Attest:



Robyn Christie, City Recorder

Approved as to form:



Mary Winters, City Attorney