

RESOLUTION NO. 3247

A RESOLUTION ACCEPTING JURISDICTIONAL TRANSFER OF CERTAIN ROAD SEGMENTS FROM DESCHUTES COUNTY THAT ARE RIGHTS-OF-WAY ANNEXED TO THE CITY OF BEND

Findings

- A. The portions of OB Riley Road, Cooley Road, Yeoman Road, NE Purcell Boulevard, and Deschutes Market Road identified in the attached Exhibit 1 are county roads under the jurisdiction of Deschutes County, Oregon ("County").
- B. The Revised Joint Management Agreement Regarding the Area Within the Bend Urban Growth Boundary, No 2017-423 ("JMA") Section 7.4(c) states that all rights-of-way annexed by the City of Bend ("City") must be transferred by the County to the City per ORS 373.270.
- C. Section 7.4 of the JMA further states that upon annexation, roads and rights-of-way will be accepted by the City under the City's annexation regulations. City of Bend Code Section 4.9.600 subsections (4) and (8) require that roads to be annexed be improved to urban standards as determined by the City, through an annexation agreement or other funding mechanism approved by the City Council prior to annexation. The roads listed in Exhibit 1 have been improved or are required by an annexation agreement to be improved to urban standards.
- D. ORS 373.270 requires three steps to transfer roads in this instance:
- i. The road is in the city limits (has been annexed) and the city has interest in acquiring the road;
 - ii. The county surrenders jurisdiction by order, and;
 - iii. The entity (city) receiving the request to transfer issues an order accepting the transfer.
- E. The City annexed the portions of OB Riley Road, Cooley Road, Yeoman Road, NE Purcell Boulevard, and Deschutes Market Road listed in Exhibit 1 and has interest in acquiring the roads. These road segments were included in previously approved annexations, including Ordinance NS-2075 for the Ponderosa School site, Ordinance NS -2166 for the United States Forest Service site, and Ordinance 2304 for the Northstar school site.
- F. On July 29, 2020, The Board of County Commissioners adopted Resolution No. 2020-013, setting a public hearing for the proposed jurisdictional surrender of the roads. The Notice of Hearing was posted on the following dates and locations:
- i. July 29, 2020 and July 31, 2020 at the Deschutes County Road Department, 61150 SE 27th Street, Bend, Oregon;

- ii. July 29, 2020 and July 31, 2020 at the Deschutes County Services Building, 1300 NW Wall Street, Bend, Oregon; and
- iii. July 29, 2020 at the Deschutes County Public Library, 507 NW Wall Street, Bend, Oregon.

G. On August 19, 2020, the Board of County Commissioners held the public hearing on the proposed action.

H. By Order No 2020-011, dated August 19, 2020, the Board of County Commissioners for Deschutes County offered to surrender jurisdiction to the City and requested transfer of the road segments listed in Exhibit 1.

I. The County Road Department Director and the City Transportation and Mobility Director have reviewed the road segments listed in Exhibit 1 and are ready to transfer maintenance activities upon issuance of this Order.

J. The City desires to accept the offer of transfer of jurisdiction under ORS 373.270 with respect to the road segments listed in Exhibit 1, and adopt this Order completing the jurisdictional transfer.

Based on these findings, the City Council of the City of Bend resolves as follows:

Section 1: It is in the public interest to accept the offer of transfer of jurisdiction with respect to the portions of OB Riley Road, Cooley Road, Yeoman Road, NE Purcell Boulevard, and Deschutes Market Road listed in Exhibit 1.


Section 2: By this Resolution/Order, the City officially accepts transfer of the road segments listed in Exhibit 1, and they shall be under the jurisdiction of the City.

Section 3: This resolution takes effect immediately upon adoption.


Adopted by a vote of the Bend City Council on April 7, 2021.

YES: Mayor Sally Russell
Mayor Pro Tem Gena Goodman Campbell
Councilor Melanie Kebler
Councilor Anthony Broadman
Councilor Megan Perkins
Councilor Rita Schenkelberg

NO: none


Sally Russell, Mayor

ATTEST:



Robyn Christie, City Recorder

Approved as to form:



City Attorney's Office

