

RESOLUTION NO. 3315

A RESOLUTION INITIATING ANNEXATION OF COOLEY ROAD FROM BROWNRIGG LANE TO US 20

Findings

A. The segment of Cooley Road from Brownrigg Lane to US Highway 20 identified in Exhibit 1 is outside of the City limits, within the City of Bend Urban Growth Boundary, and currently under the jurisdiction of Deschutes County, Oregon ("County"). The segment is bordered on each end, to the east and west, by a road segment under the jurisdiction of the City, creating alternating jurisdictions along the Cooley Road corridor.

B. The Revised Joint Management Agreement Regarding the Area Within the Bend Urban Growth Boundary, 2017-423 ("JMA") Section 7.4 stipulates that roads and rights-of-way will be accepted by the City i) under the City's annexation regulations and ii) to avoid creating segments of alternating jurisdictions.

C. 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 segment listed in Exhibit 1.

D. The City desires to accept the offer of transfer of jurisdiction under ORS 373.270 with respect to the road segment shown on Exhibit 1 and annexing the right-of-way will bring the road into the City to allow for the transfer of jurisdiction.

E. The City's annexation regulations, specifically Bend Development Code (BDC) Section 4.9.600 subsections (4) and (8) require that roads to be annexed are 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 segment of Cooley Road from Brownrigg Lane to US Highway 20 did not have urban standard improvements identified when the adjacent segment to the west was annexed and when the County surrendered jurisdiction. There is now a funded and scheduled improvement project as part of the City/ ODOT North Corridor Intergovernmental Agreement to reconstruct the street to urban standards including a waterline, bike lanes, and a sidewalk/ shared use path on the south side.

F. Under ORS 222.120 and through the provisions of the City code, the road segment can be annexed by a City Council ordinance, following a public hearing on annexation.

G. Under BDC 4.9.200(B)(1)(a)(iii) City initiated annexations of property for publicly owned rights of way do not require land use approval prior to or concurrently with annexation.

H. Under BDC 4.9.400(A)(C) an annexation proposal may be initiated by a City Council resolution.

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

Section 1: It is in the public interest for the City of Bend to initiate annexation in order to annex and accept the offer of transfer of jurisdiction of Cooley Road from Brownrigg Lane to US Highway 20 as described and shown in Exhibit 1.


Section 2: By this Resolution, the City officially initiates a proposal to annex Cooley Road from Brownrigg Lane to US Highway 20.

Section 3: The City will schedule, provide notice, and hold a public hearing on the annexation.

Adopted by a vote of the Bend City Council on December 21, 2022.

YES: Mayor Gena Goodman-Campbell
Mayor Pro Tem Anthony Broadman
Councilor Barb Campbell
Councilor Melanie Kebler
Councilor Megan Perkins
Councilor Stephen Sehgal

NO: none




Gena Goodman-Campbell, Mayor

ATTEST:



Robyn Christie, City Recorder

Approved as to form:



Mary Winters, City Attorney

Exhibit 1 - Legal Description



**EXHIBIT A
COOLEY ROAD
JURISDICTIONAL TRANSFER**

THAT PORTION OF COOLEY ROAD LYING WESTERLY OF THE SOUTHWESTERLY RIGHT OF WAY OF BEND-SISTERS HIGHWAY 20 (200 FEET WIDE) LOCATED WITHIN THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER (W1/2 SE1/4) OF SECTION 8 AND THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER (W1/2 NE1/4) OF SECTION 17, TOWNSHIP 17 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY OREGON

SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD AND THOSE COMMON AND APPARENT ON THE LAND.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

B. C. 11/28/22

OREGON
DECEMBER 11, 2012
BRIAN C. COURSEN
86998

Renews: 12-31-2023

**A PORTION OF COOLEY ROAD
 LOCATED IN THE W1/2 SE1/4 SECTION 8 AND THE W1/2 NE1/4 SECTION 17,
 TOWNSHIP 17 SOUTH, RANGE 12 EAST WILLAMETTE MERIDIAN,
 DESCHUTES COUNTY OREGON.**

STATUTORY BARGAIN AND SALE DEED
 2017-4483

CENTERLINE COOLEY ROAD (40.00' WIDE) PER
 1921 DESCHUTES COUNTY SURVEY RD002020

ODOT
 2022-32260

Bk. 277, Pg. 165f
 ODOT

COOLEY ROAD

SECTION LINE COMMON TO 8 AND 17

ODOT
 2022-40664

10.00'
 DEDICATION DEED
 2018-48032

WARRANTY DEED
 2004-06665

BARGAIN AND SALE DEED
 2009-54972

BROWNRIGG LANE
 DEDICATION DEED
 2018-32110

200'
 MCKENZIE-BEND HWY (U.S. 20)

EDGE OF PAVEMENT



DOWL

www.dowl.com

963 SW Simpson Avenue, #200
 Bend, Oregon 97702
 541-385-4772

**COOLEY ROAD
 JURISDICTIONAL TRANSFER
 CITY OF BEND**

PROJECT	14923-01
DATE	11/28/2022

EXHIBIT B