

## RESOLUTION NO. 3318

### A RESOLUTION ACCEPTING JURISDICTIONAL TRANSFER OF THE RIGHT-OF-WAY OF COOLEY ROAD FROM BROWNRIGG LANE TO US 20 FROM DESCHUTES COUNTY

#### Findings

A. A portion of Cooley Road from Brownrigg Lane to US Highway 20 described in Exhibit A and depicted in Exhibit B is currently outside of the City limits, within the City's Urban Growth Boundary, and currently under the jurisdiction of Deschutes County, Oregon ("County"). The segment is bordered on each side 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. The road segment described in Exhibit A and depicted in Exhibit B will be improved to urban standards under a cooperative improvement agreement between the City and Oregon Department of Transportation. The project includes a waterline, bike lanes, and a sidewalk/ shared use path on the south side.

C. On July 29, 2020, The Board of County Commissioners adopted Resolution No. 2020-013, setting a public hearing for the proposed jurisdictional surrender of roads including the segment of Cooley Road from Brownrigg to US-20. 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 27<sup>th</sup> 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.

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

E. 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 described in Exhibit A and depicted in Exhibit B.

F. On March 1, 2023, the City Council held a first reading of an ordinance annexing this portion of Cooley Road between Brownrigg and US Highway 20, expected for second reading March 15, 2023, and an effective date of April 14, 2023.

G. By accepting this jurisdictional transfer, the alternating jurisdiction along Cooley Road between Brownrigg and US Highway 20 will be eliminated.

H. The City desires to accept the offer of transfer of jurisdiction under ORS 373.270 with respect to the road segment described in Exhibit A and depicted in Exhibit B, and adopt this resolution completing the jurisdictional transfer.

I. The segment of road described in Exhibit A and depicted in Exhibit B meets the requirements for transfer under ORS 373.270:

- i. The road is in the city limits (by annexation through the previously referenced ordinance) 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 (by this resolution).

J. The County Road Department Director and the City Transportation and Mobility Director have reviewed the road segment described in Exhibit A and depicted in Exhibit B and are ready to formally transfer maintenance activities upon issuance of this resolution.

**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 of Cooley Road from Brownrigg Lane to US Highway 20 as described in Exhibit A and depicted in Exhibit B.

Section 2: By this resolution, the City officially accepts transfer of Cooley Road from Brownrigg Lane to US Highway 20, and it shall be under the jurisdiction of the City.

Section 3: This resolution takes effect on April 14, 2023, or the date on which the ordinance annexing the area becomes effective, whichever is later.

Section 4: If any provision, section, phrase or word of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

Adopted by a vote of the Bend City Council on March 1, 2023


YES: Mayor Melanie Kebler  
Mayor Pro Tem Megan Perkins  
Councilor Barb Campbell  
Councilor Anthony Broadman  
Councilor Ariel Méndez  
Councilor Megan Norris  
Councilor Mike Riley

NO: none



\_\_\_\_\_  
Melanie Kebler, Mayor

ATTEST:



\_\_\_\_\_  
Robyn Christie, City Recorder

Approved as to form:



\_\_\_\_\_  
City Attorney's Office



**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.

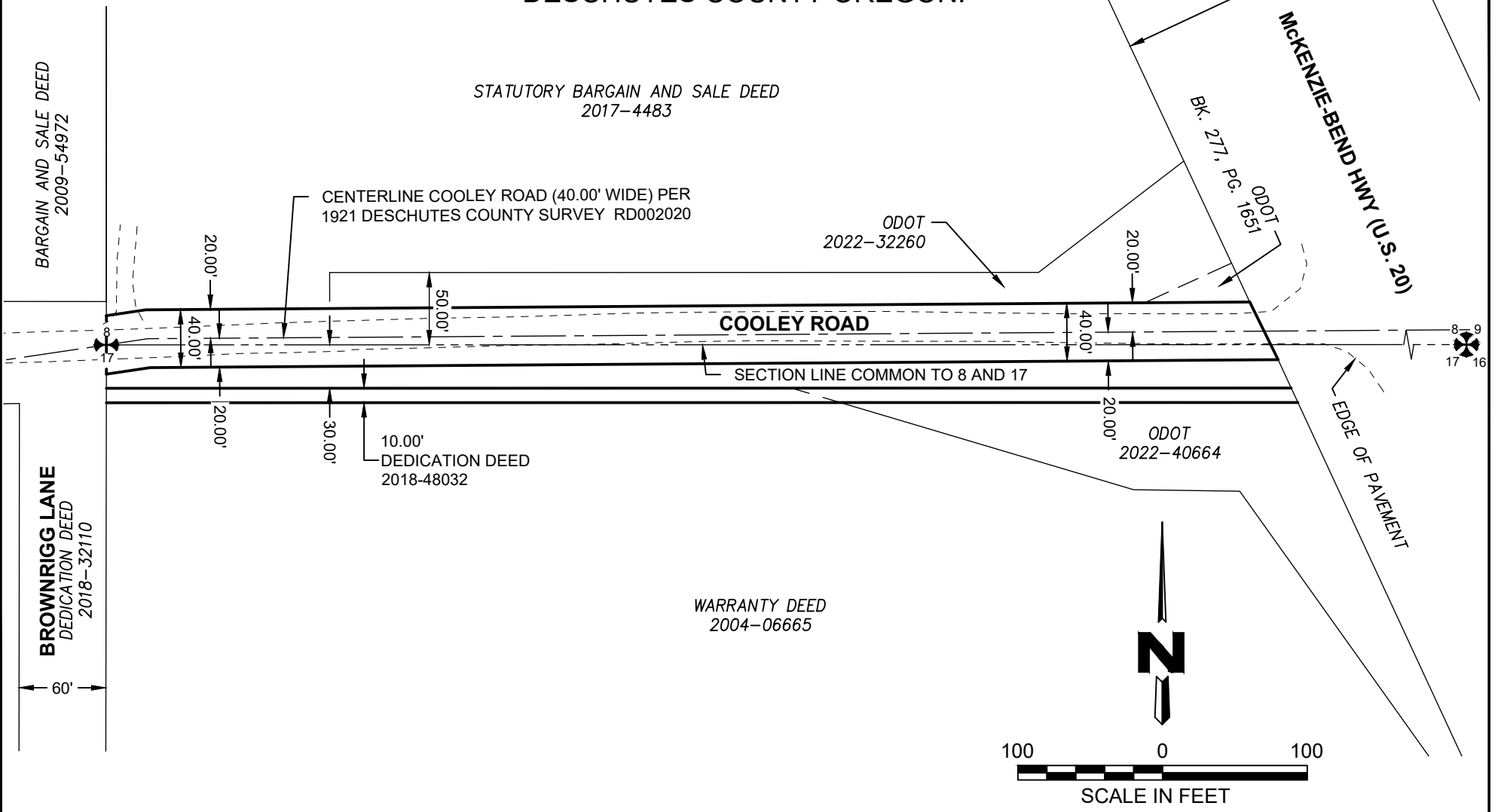
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*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.**



**DOWL**  
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 963 SW Simpson Avenue, #200  
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**COOLEY ROAD  
 JURISDICTIONAL TRANSFER  
 CITY OF BEND**

PROJECT	14923-01
DATE	11/28/2022

**EXHIBIT B**