

ORDINANCE NO. NS - 2477

AN ORDINANCE VACATING THE UNIMPROVED PORTION OF RIGHT-OF-WAY OF SW 17th STREET BETWEEN SW FOREST RIDGE AVENUE AND SW SIMPSON AVENUE

Findings:

- A. On December 28, 2023, Housing Works (Applicant) filed an application (PLMISC20220927) to vacate the undeveloped portion of SW 17th Street between SW Forest Ridge Avenue and SW Simpson Avenue.
- B. The Applicant requested that the City Council initiate the right-of-way request due to an affordable housing project proposed on the surrounding property.
- C. On March 1, 2023, the City Council initiated the right-of-way vacation on behalf of the Applicant and directed staff to proceed to process the right-of-way vacation application.
- D. On May 24, 2023, and May 31, 2023, 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 May 18, 2023, the City posted notice of the proposed street vacation at each end of the proposed vacation area.
- E. The City Council held a public hearing on the proposed vacation on June 7, 2023, and found that right-of-way vacation complied with the applicable standards in Bend Municipal Code 3.80.070. Specifically: The right-of-way is not presently improved for transportation uses, and the existing water line can be protected by a utility easement. Future transportation uses of the right-of-way can also be protected with the creation of a public access easement and multimodal access corridor.
- F. The City Council has determined that the vacation is in the public interest, and the area should be vacated upon fulfillment of the conditions provided in this ordinance.
- G. Also at the June 7, 2023, meeting, Council considered adoption of a Development Agreement with the Applicant and others, relating to development of the surrounding property for affordable housing. The timeline for completion of the requirement improvements for this vacation aligns with the maximum timeline for completion of improvements in the Development Agreement.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The right-of-way of SW 17th Street between SW Forest Ridge Avenue and SW Simpson Avenue is vacated as described in Exhibit A and depicted in Exhibit B with the following condition:

- a. The partition approved under PLRPDA20220926 is recorded at Deschutes County after City approval of a final plat application.
- b. The Applicant submits a Site Plan Review application for the abutting property that includes a minimum 20-foot wide utility easement centered over the existing water main and a multi-use path within a public access easement within the vacated right-of-way alignment.

- c. The Site Plan Review decision is approved and issued by the City.
- d. The Applicant enters into an affordable housing development agreement with the City per BDC 3.6.200.C.2.

Section 2. If conditions are not fulfilled within fifteen years from this Ordinance's effective date, this Ordinance shall be null and void.

Section 3. 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.

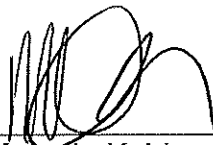
Section 4. If any provision, section, phrase or word of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

First Reading Date: June 7, 2023

Second reading and adoption by roll call vote: June 21, 2023

YES: Mayor Melanie Kebler
Councilor Barb Campbell
Councilor Megan Perkins
Councilor Ariel Méndez
Councilor Mike Riley

NO: none



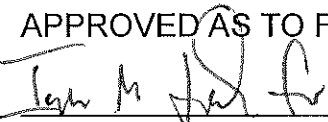
Melanie Kebler, Mayor

ATTEST:



Robyn Christie, City Recorder

APPROVED AS TO FORM:



Mary A. Winters, City Attorney



Exhibit A

TYE ENGINEERING & SURVEYING, INC.

725 NW Hill Street, Bend, Oregon 97703 • www.tyeengineering.com
Phone: 541-389-6959 • Fax: 541-385-1341

ROAD VACATION

SW 17TH STREET

A strip of land conveyed to the public for roadway and utility purposes, October 15, 1982 and described in Volume 363, Page 286, Deschutes County Official Records, said strip of land located in the Southeast one-quarter of the Northwest one-quarter of Section 6, Township 18 South, Range 12 East, of the Willamette Meridian, in the City of Bend, Deschutes County, Oregon, said strip of land being 60.00 feet in width, 30.00 feet in width on each side of the following described centerline:

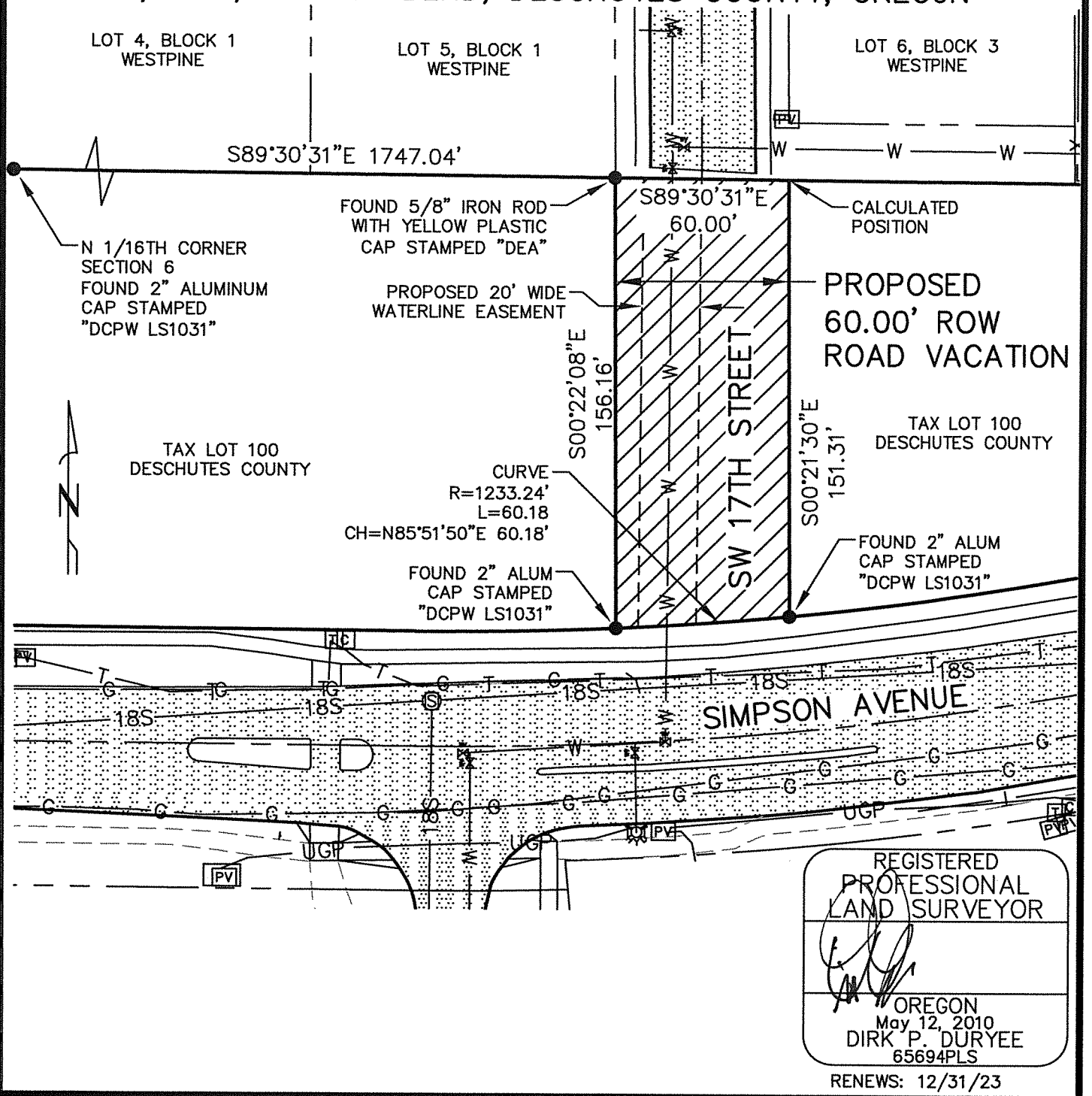
Beginning at the intersection of the centerline of SW 17th Street as platted in the Plat of Westpine as filed in the Office of the County Clerk, Deschutes County, Oregon, and the south line of said Plat of Westpine; thence, South $00^{\circ}32'23''$ East 155 feet more or less to the terminus point of this description on the northerly right of way line of Simpson Road as described in Volume 356, Page 729 of Deeds as filed in the Office of the County Clerk, Deschutes County, Oregon.



RENEWS: 12/31/23

Exhibit B

EXHIBIT MAP ROAD VACATION – SW 17TH STREET LOCATED IN THE NW 1/4 OF SECTION 6, T. 18 S., R. 12 E., W.M., CITY OF BEND, DESCHUTES COUNTY, OREGON

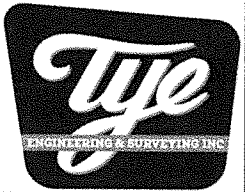


REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]

OREGON
May 12, 2010
DIRK P. DURYEE
65694PLS

RENEWS: 12/31/23



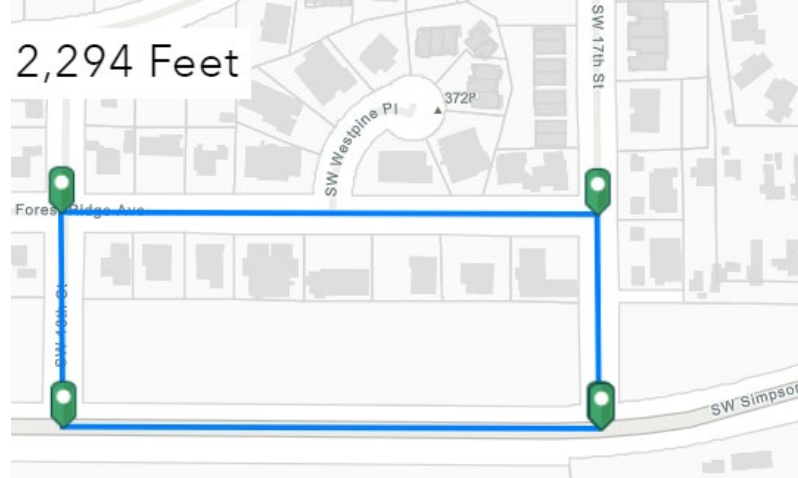
TYE ENGINEERING, INC.

725 NW HILL, BEND, OREGON 97703 (541) 389-6959

DATE: 12-13-2022	SCALE: 1"=50'	DRAWN BY: P.A.T.
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Block Perimeter

East of 18th Street – without 17th St right-of-way vacation, 17th St fully constructed



East of 18th Street – with 17th St right-of-way vacation and multi-modal pathway (circled in red)



BDC 3.1.200.D. Street Connectivity and Formation of Blocks.

2. Block lengths and perimeters must not exceed the following standards as measured from centerline to centerline of through intersecting streets:
 - a. Six hundred sixty feet block length and **2,000 feet block perimeter** in all Residential Zones;
 - d. An exception may be granted to the maximum block length and/or block perimeter by the Review **Authority if the applicant can demonstrate that the block length and/or block perimeter cannot be satisfied due to topography, natural features, existing development or other barriers, or it is unreasonable to meet such standards based on the existing pattern of development, or other relevant factors.** When an exception is granted, the Review Authority may require the land division or site plan to provide blocks divided by one or more access corridors in conformance with the provisions of BDC 3.1.300, Multi-Modal Access and Circulation. **Access corridors must be located to minimize out-of-direction travel by pedestrians and bicyclists** and must meet all applicable accessibility standards.

DECLARATION OF DEDICATION

DESCHUTES COUNTY, a political subdivision of the State of Oregon, hereby dedicates to the public for roadway and utility purposes the following described real property:

A strip of land lying in the southeast one-quarter of the northwest one-quarter of Section 6, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, said strip of land being 60.00 feet in width, 30.00 feet in width on each side of the following described centerline:

Beginning at the intersection of the centerline of S.W. 17th Street as platted in the Plat of Westpine as filed in the Office of the County Clerk, Deschutes County, Oregon, and the south line of said Plat of Westpine; thence, S00° 32' 23" E 155 feet more or less to the terminus point of this description on the northerly right of way line of Simpson Road as described in Volume 356, Page 729 of Deeds as filed in the Office of the County Clerk, Deschutes County, Oregon.

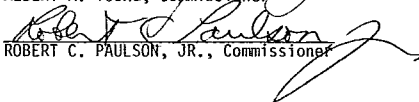
Bearings herein are based on said Plat of Westpine.

DATED this 12th day of October, 1982

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


CLAY C. SHEPARD, Chairman

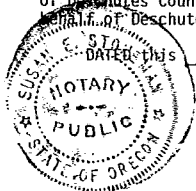

ALBERT A. YOUNG, Commissioner

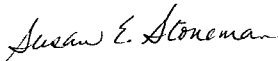

ROBERT C. PAULSON, JR., Commissioner

STATE OF OREGON)
) ss.
COUNTY OF DESCHUTES)

Before me, a Notary Public, personally appeared CLAY C. SHEPARD, ALBERT A. YOUNG and ROBERT C. PAULSON, JR., the above-named Board of County Commissioners of Deschutes County, Oregon, and acknowledged the foregoing instrument on behalf of Deschutes County, Oregon.

DATED this 12th day of October, 1982.





01-13-86

DESCHUTES COUNTY, a political subdivision of The State of Oregon, acting by and through its Board of Commissioners, hereby accepts the above dedication as a public road pursuant to ORS 368.546.

DATED this 12th day of October, 19 82

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Clay Shepard
CLAY C. SHEPARD, Chairman

Albert A. Young
ALBERT A. YOUNG, Commissioner

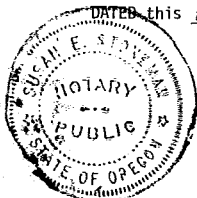
Robert C. Paulson, Jr.
ROBERT C. PAULSON, JR., Commissioner

STATE OF OREGON)
) ss.
COUNTY OF DESCHUTES)

Before me, a Notary Public, personally appeared CLAY C. SHEPARD, ALBERT A. YOUNG and ROBERT C. PAULSON, JR., the above-named Board of County Commissioners of Deschutes County, Oregon, and acknowledged the foregoing instrument on behalf of Deschutes County, Oregon.

DATED this 12th day of October, 19 82.

Susan E. Storeman
NOTARY PUBLIC FOR OREGON
My Commission Expires: 01-13-86



7318

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 15 day of Oct. A.D. 1982 at 11:40 o'clock A.M., and recorded in Book 363 on Page 286 Records of DEEDS

ROSEMARY PATTERSON
County Clerk

By Henry [Signature] Deputy

2 - DECLARATION OF DEDICATION

Geotechnical Report key findings

Wallace Group, Geotechnical Exploration Report
 19755 SW Simpson Avenue, East Development
 June 10, 2022

6.2 FOUNDATIONS The factors influencing the selection of a safe, economical foundation system with adequate capacities include the presence of up to 38 feet of very loose to loose sand in the former pit area, which cannot support the proposed building loads. The very loose to loose soil will cause excessive total and differential settlement which would damage the proposed residential buildings. Considering the anticipated total and differential settlement, we conclude a deep foundation system consisting of low-vibration auger-cast-in-place piles is the most appropriate and economical method for support of the buildings and floor slabs on the west side of the site.

The low-vibration auger-cast-in-place piles should extend below the very loose to loose sand and gain support from end-bearing in welded cinders or tuff bedrock. Auger-cast-in-place piles may encounter refusal in welded cinders or tuff and pile lengths should be selected based on a minimum embedment into very dense soil or rock of at least 10 feet. We estimate that piles will generally be 30 to 56 feet long;



Applicant's concept plan due to pumice pit location:

