

ORDINANCE NO. NS-2493

AN ORDINANCE VACATING A PORTION OF COOLEY ROAD RIGHT-OF-WAY

Findings:

- A. On October 20, 2023, Powell Development Co. (Applicant) submitted an application (PLMISC20230606) requesting to vacate a segment of the right of way along the north side of Cooley Road between Scenic Drive and Berg Lane, to facilitate straightening the alignment of Cooley Road for improvements associated with development of an adjacent site to the south.
- B. On December 6, 2023, the City Council accepted the vacation petition and directed staff to proceed to process the right-of-way vacation application.
- C. On January 16, 2024, the Applicant posted notice of the proposed vacation at each end of the proposed vacation area. On January 24, 2024, and January 31, 2024, 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.
- D. The area of Cooley Road proposed to be vacated is presently in use as a public road. Bend Code 3.80.040 provides that right-of-way in use for right-of-way purposes will not be vacated unless the vacation involves a trade of property and the creation of an alternate right-of-way that will be used in place of the existing right-of-way. Cooley Road is being straightened out in the location of the vacation, and alternate rights-of-way for this straightening have already been dedicated to the public and accepted by the City.
- E. The City received comments from utility providers requesting that a public utility easement be retained for existing utility facilities in the entire area proposed to be vacated. The City Council finds that it is in the public interest to approve the proposed vacation, and to retain a public utility easement for the existing utility facilities.
- F. The City Council held a public hearing on the proposed vacation on February 7, 2024, and found that the right-of-way vacation complied with applicable standards in Bend Code 3.80.040.
- G. 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 right-of-way along the north side of Cooley Road between Scenic Drive and Berg Lane is vacated as described in Exhibits A-1 and A-3, and depicted in Exhibits A-2 and A-4.

Section 2. A public utility easement is retained over the full extent of the vacated right-of-way on the north side of Cooley Road.

Section 3. Upon adoption, 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: February 7, 2024

Second Reading and adopted by roll call vote on February 21, 2024

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

NO: none

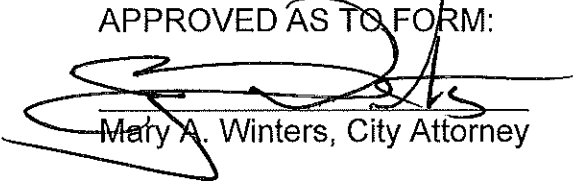


Melanie Kebler, Mayor

ATTEST:


Robyn Christie, City Recorder

APPROVED AS TO FORM:



Mary A. Winters, City Attorney



EXHIBIT A-1

Right-of-Way Vacation

A portion of right-of-way located in the Southeast One-Quarter of Section 8, Township 17 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being more particularly described as follows:

Commencing at the southeast corner of said Section 8; thence along the south line of said Section 8, South $89^{\circ}58'28''$ West 399.68 feet to the southwest corner of Volume 113, Page 367, Deschutes County Records; thence along the west line of said Deed, North $00^{\circ}01'34''$ East 84.56 feet to the Point of Beginning; thence continuing along said west line, North $00^{\circ}01'34''$ East 28.13 feet to the northerly right-of-way line of Cooley Road (variable width from centerline); thence along said northerly right-of-way line on a non-tangent curve to the right (with a radial bearing of South $17^{\circ}13'34''$ West) with a Radius of 479.19 feet, a Central Angle of $05^{\circ}49'45''$, an Arc Length of 48.75 feet, and a Chord of South $69^{\circ}51'34''$ East 48.73 feet; thence continuing along said northerly right-of-way line, South $66^{\circ}56'41''$ East 117.24 feet; thence continuing along said northerly right-of-way line on a curve to the left with a Radius of 381.52 feet, a Central Angle of $14^{\circ}23'00''$, an Arc Length of 95.78 feet, and a Chord of South $74^{\circ}08'11''$ East 95.52 feet; thence leaving said northerly right-of-way line on a non-tangent curve to the right (with a radial bearing of North $06^{\circ}19'06''$ East) with a Radius of 760.00 feet, a Central Angle of $12^{\circ}47'03''$, an Arc Length of 169.58 feet, and a Chord of North $77^{\circ}17'23''$ West 169.22 feet; thence along a curve to the left with a Radius of 840.00 feet, a Central Angle of $05^{\circ}43'04''$, an Arc Length of 83.83 feet, and a Chord of North $73^{\circ}45'23''$ West 83.79 feet to the Point of Beginning.

The above described tract of land contains 3,465 square feet, more or less.

The Basis of Bearings for this description is based on CS 20962, Deschutes County Survey Records.

10/12/2023

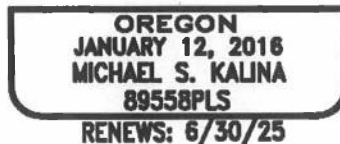
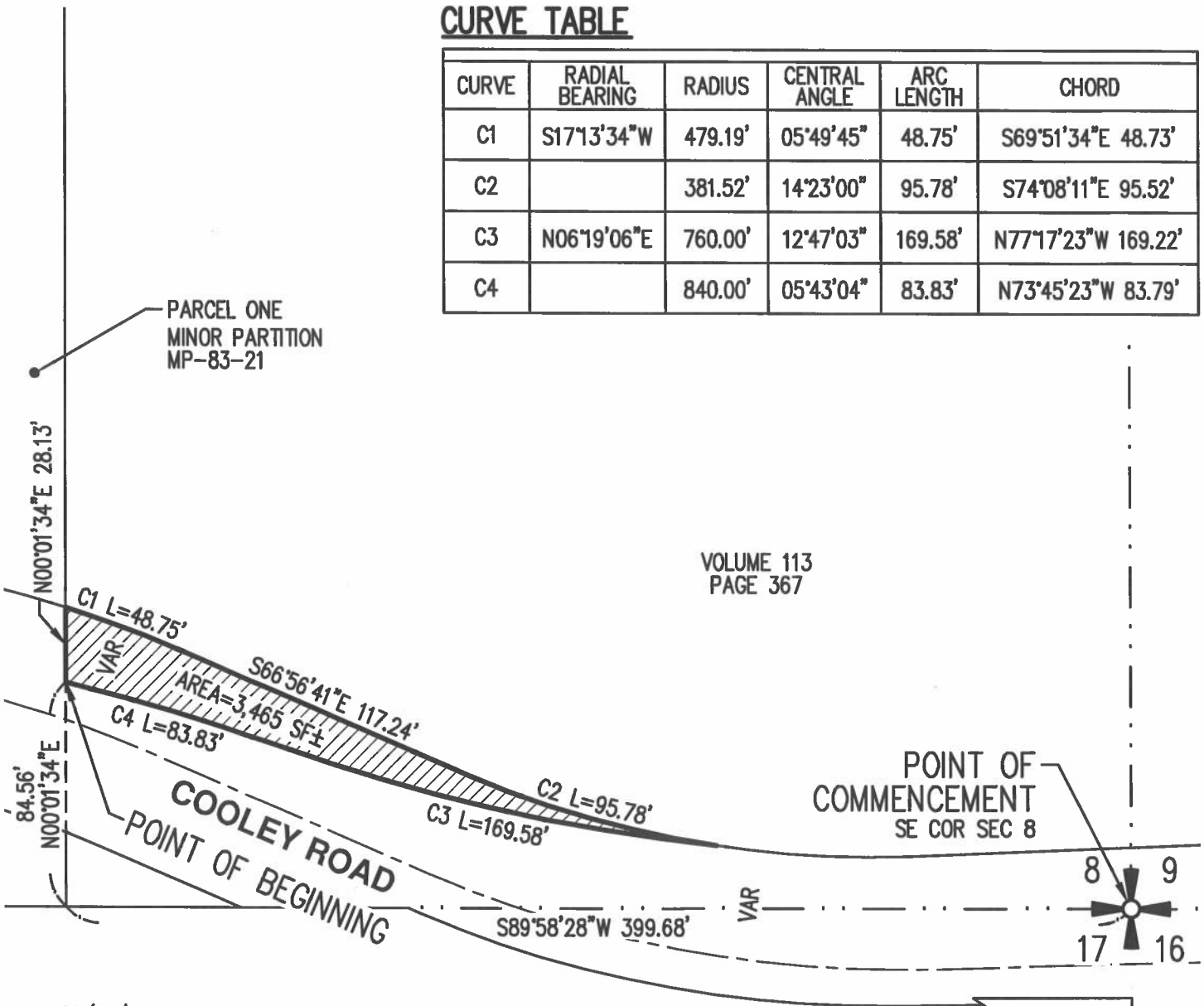


EXHIBIT A-2

A PORTION OF RIGHT-OF-WAY LOCATED IN THE SOUTHEAST 1/4 OF SECTION 8,
TOWNSHIP 17 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN,
DESCHUTES COUNTY, OREGON

CURVE TABLE

CURVE	RADIAL BEARING	RADIUS	CENTRAL ANGLE	ARC LENGTH	CHORD
C1	S17°13'34"W	479.19'	05°49'45"	48.75'	S69°51'34"E 48.73'
C2		381.52'	14°23'00"	95.78'	S74°08'11"E 95.52'
C3	N06°19'06"E	760.00'	12°47'03"	169.58'	N77°17'23"W 169.22'
C4		840.00'	05°43'04"	83.83'	N73°45'23"W 83.79'



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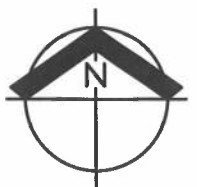
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael S. Kalina

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

RENEWS: 6/30/25

SCALE: 1" = 60 FEET



AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM



RIGHT-OF-WAY VACATION

COOLEY ROAD	
DRWN: WCB	CHKD: MSK
AKS JOB: 8088	EXHIBIT A-2



EXHIBIT A-3

Right-of-Way Vacation

A portion of right-of-way located in the Southeast One-Quarter of Section 8, Township 17 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being more particularly described as follows:

Commencing at the southeast corner of said Section 8; thence along the south line of said Section 8, South $89^{\circ}58'28''$ West 399.68 feet to the southeast corner of Parcel One of Minor Partition MP-83-21, recorded as CS 02270, Deschutes County Survey Records; thence along the east line of said Parcel One, North $00^{\circ}01'34''$ East 84.56 feet to the Point of Beginning; thence leaving said east line on a non-tangent curve to the left (with a radial bearing of South $13^{\circ}23'04''$ West) with a Radius of 840.00 feet, a Central Angle of $28^{\circ}09'14''$, an Arc Length of 412.76 feet, and a Chord of South $89^{\circ}18'27''$ West 408.62 feet; thence along a curve to the right with a Radius of 960.00 feet, a Central Angle of $15^{\circ}06'38''$, an Arc Length of 253.18 feet, and a Chord of South $82^{\circ}47'09''$ West 252.44 feet; thence North $89^{\circ}39'32''$ West 18.88 feet to the northerly right-of-way line of Cooley Road (variable width from centerline); thence along said northerly right-of-way line, North $89^{\circ}36'31''$ East 8.97 feet; thence continuing along said northerly right-of-way line on a curve to the left with a Radius of 1146.00 feet, a Central Angle of $14^{\circ}29'42''$, an Arc Length of 289.92 feet, and a Chord of North $82^{\circ}21'40''$ East 289.15 feet; thence continuing along said northerly right-of-way line, North $75^{\circ}06'49''$ East 114.00 feet; thence continuing along said northerly right-of-way line on a curve to the right with a Radius of 515.00 feet, a Central Angle of $25^{\circ}30'16''$, an Arc Length of 229.25 feet, and a Chord of North $87^{\circ}51'57''$ East 227.36 feet; thence continuing along said northerly right-of-way line on a non-tangent compound curve to the right (with a radial bearing of South $11^{\circ}40'06''$ West) with a Radius of 479.19 feet, a Central Angle of $05^{\circ}33'28''$, an Arc Length of 46.48 feet, and a Chord of South $75^{\circ}33'10''$ East 46.46 feet to the east line of said Parcel One; thence along said east line, South $00^{\circ}01'34''$ West 28.13 feet to the Point of Beginning.

The above described tract of land contains 7,748 square feet, more or less.

The Basis of Bearings for this description is based on CS 20962, Deschutes County Survey Records.

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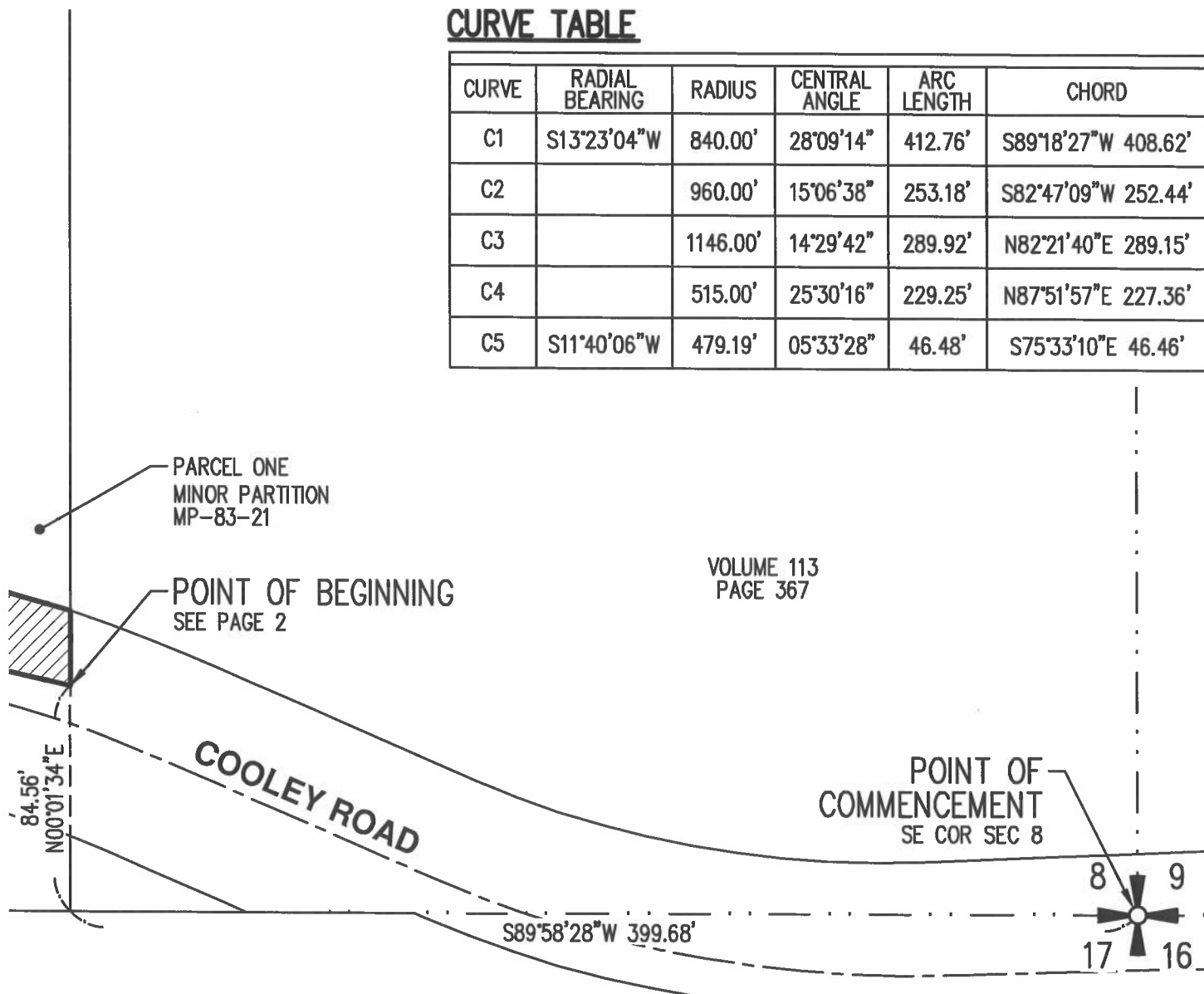
RENEWS: 6/30/25

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C3		1146.00'	14°29'42"	289.92'	N82°21'40"E 289.15'
C4		515.00'	25°30'16"	229.25'	N87°51'57"E 227.36'
C5	S11°40'06"W	479.19'	05°33'28"	46.48'	S75°33'10"E 46.46'



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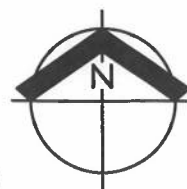
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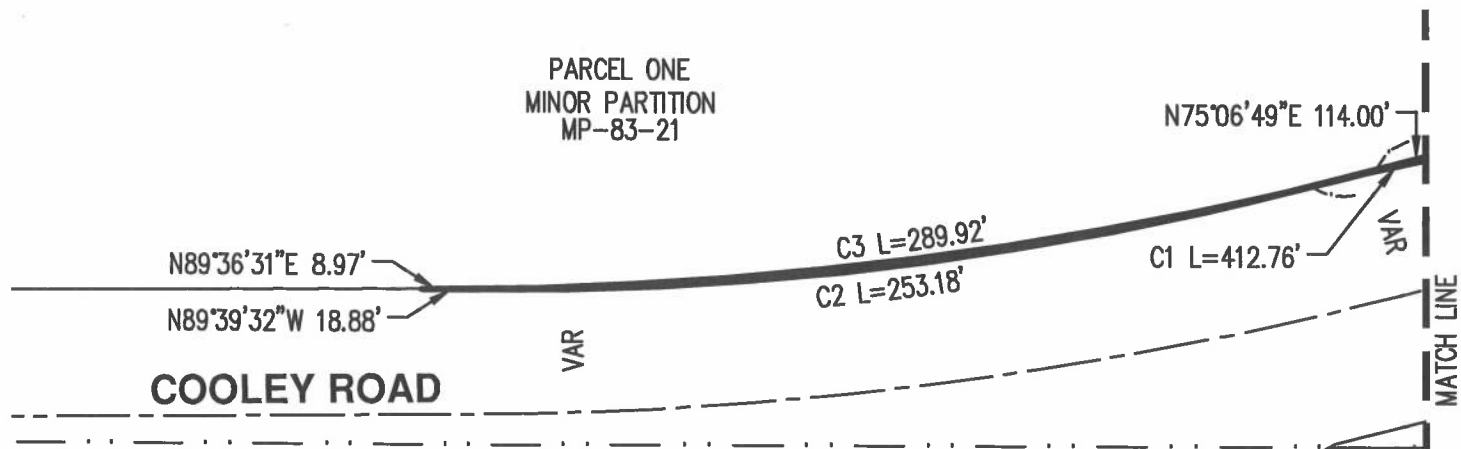
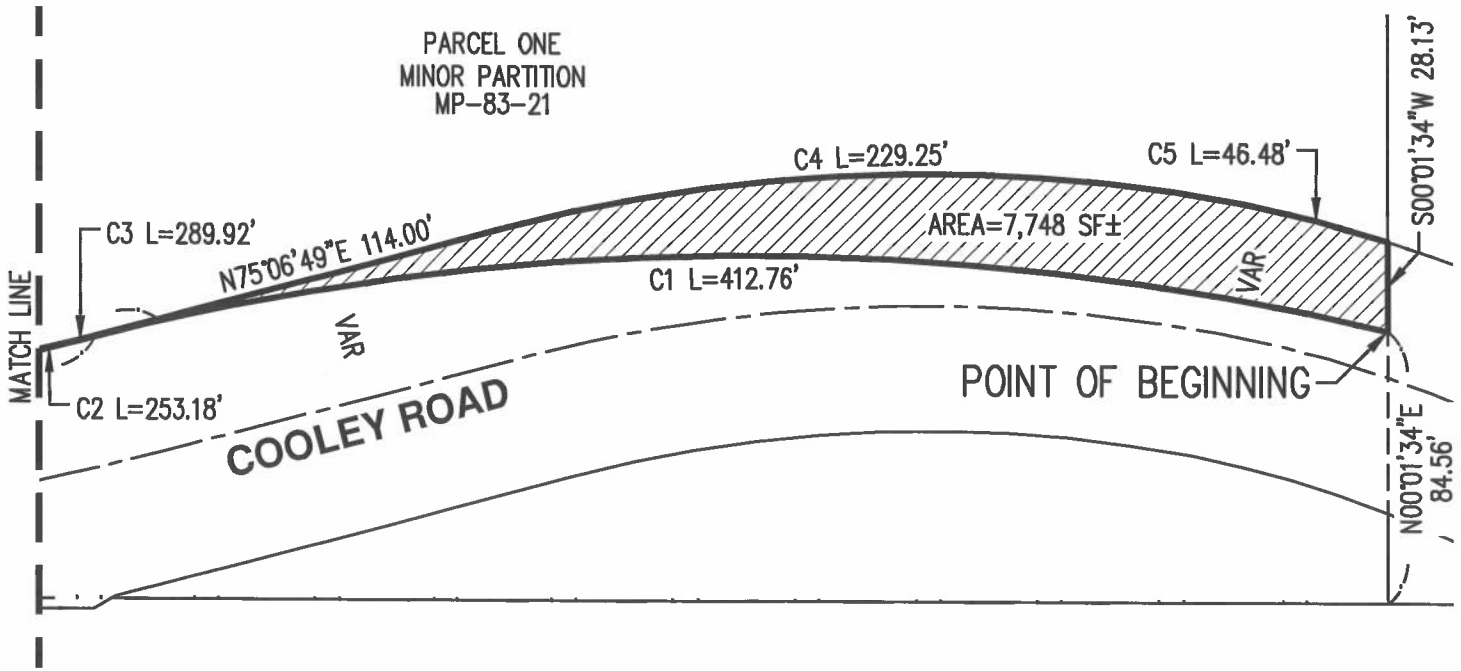


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