

ORDINANCE NO. NS-2509

AN ORDINANCE VACATING THE EXCESS RIGHT-OF-WAY OF COUNTRY CLUB DRIVE AND THE BULB OF THE WOODSIDE COURT CUL-DE-SAC

Recitals

- A. On August 2, 2024, Hayden Homes (Applicant) filed an application (PLMISC20240456) to vacate the excess right-of-way of Country Club Drive and the Woodside Court cul-de-sac.
- B. The Applicant requested that the City Council initiate the vacation request due to an associated affordable housing project which the Applicant is undertaking on property abutting the excess right-of-way of Country Club Drive and the Woodside Court cul-de-sac.
- C. On September 4, 2024, the City Council initiated the right-of-way vacation on behalf of the Applicant and directed staff to process the right-of-way vacation.
- D. On October 2, 2024 and October 9, 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. On September 19, 2024, a notice of the proposed street vacation was posted on Woodside Court and Country Club Drive at each proposed right-of-way vacation area.
- E. The City Council held a public hearing on the proposed vacation on October 16, 2024 and found that right-of-way vacation complied with the applicable standards in Bend Municipal Code 3.80.040.
- 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.

Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1.** The right-of-way of Country Club Drive and Woodside Court is vacated as described in Exhibit A and depicted in Exhibit B with the following conditions:
- a. The Applicant must submit a final plat application to the City for the abutting property consistent with the Tentative Plan approval for the Obsidian Heights subdivision (PLLD20230590).
 - b. Prior to final plat approval by the City for the Obsidian Heights subdivision, the Applicant must enter into an affordable housing development agreement with the City to deed-restrict two of the units

of the Obsidian Heights subdivision (PLLD20230590) for affordable housing, consistent with Bend Development Code 3.6.200.C.2.

Section 2. Upon satisfactory completion of the above conditions, the City Recorder shall file and record this ordinance in the Deschutes County Clerk's Office.

Section 3. 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: October 16, 2024

Second Reading and adoption by roll call vote: November 6, 2024

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

NO: none




Melanie Kebler, Mayor

ATTEST:


Morgen Fry, City Recorder

Approved as to form:


Mary A. Winters, City Attorney



901 NW Carlon Ave. Ste 3, Bend, OR 97703
(541) 797-0954 - www.sflands.com

PROJECT NO: 2024-395-02
DATE: 5/17/2024
INITIALS: BRR

EXHIBIT 'A'
RIGHT-OF-WAY VACATION

TWO TRACTS OF LAND BEING A PORTION OF THAT DECLARATION OF DEDICATION RECORDED MARCH 30, 1983, IN VOLUME 9, PAGE 139, DESCHUTES COUNTY OFFICIAL RECORDS AND A PORTION OF THAT DECLARATION OF DEDICATION RECORDED MARCH 30, 1983, IN VOLUME 9, PAGE 143, SAID DESCHUTES COUNTY OFFICIAL RECORDS, AND A PORTION OF MURPHY ROAD RIGHT-OF-WAY IN ITS LOCATION AS SHOWN ON THAT SURVEY OF MURPHY ROAD REALIGNMENT BY DESCHUTES COUNTY DEPARTMENT OF PUBLIC WORKS DATED SEPTEMBER, 1982 AND FILED AT THE DESCHUTES COUNTY SURVEYOR'S OFFICE AS COUNTY SURVEY 03989 (CS03989), ALL LOCATED IN THE SOUTHWEST ONE-QUARTER (SW1/4) OF SECTION 16, TOWNSHIP 18 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 2 INCH ALUMINUM CAP STAMPED "DESCHUTES COUNTY PUBLIC WORKS R/W LS 1607" MARKING THE INTERSECTION OF THE SOUTH LINE OF THE B.N.S.F. RAILROAD RIGHT-OF-WAY AND THE EAST LINE OF THAT PARCEL DESCRIBED IN SAID DECLARATION OF DEDICATION RECORDED IN VOLUME 9, PAGE 143; THENCE LEAVING SAID SOUTH LINE, ALONG SAID EAST LINE, SOUTH 05°00'15" EAST, 117.04 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID MURPHY ROAD AND A POINT OF NON-TANGENT CURVATURE TO THE LEFT; THENCE LEAVING SAID EAST LINE, ALONG SAID NORTHEASTERLY LINE AND CURVE TO THE LEFT WITH A RADIUS OF 429.53 FEET, AN ARC DISTANCE OF 149.70 FEET, THROUGH A CENTRAL ANGLE OF 19°58'09" (THE CHORD TO WHICH BEARS SOUTH 54°27'56" EAST, 148.95 FEET); THENCE LEAVING SAID NORTHEASTERLY LINE, SOUTH 07°53'39" WEST, 9.25 FEET; THENCE NORTH 82°06'21" WEST, 7.22 FEET; THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 230.00 FEET, AN ARC DISTANCE OF 69.80 FEET, THROUGH A CENTRAL ANGLE OF 17°23'16" (THE CHORD TO WHICH BEARS SOUTH 89°12'01" WEST, 69.53 FEET); THENCE SOUTH 80°30'23" WEST, 50.00 FEET TO A POINT THAT IS 40.00 FEET EAST, WHEN MEASURED AT RIGHT ANGLES TO, THE REALIGNED CENTERLINE OF MURPHY ROAD PER SAID CS03989, SAID POINT BEARS NORTH 24°43'08" WEST, 44.75 FEET FROM A 2 INCH ALUMINUM CAP STAMPED "DESCHUTES COUNTY PUBLIC WORKS R/W LS 1607"; THENCE ALONG A LINE 40.00 FEET EAST AND PARALLEL TO SAID REALIGNED CENTERLINE, NORTH 09°29'37" WEST, 222.46 FEET TO SAID SOUTH LINE OF THE B.N.S.F. RAILROAD RIGHT-OF-WAY; THENCE LEAVING SAID PARALLEL LINE, ALONG SAID SOUTH LINE NORTH 88°00'36" EAST, 32.56 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH, A TRACT OF LAND COMMENCING AT A 2 INCH ALUMINUM CAP STAMPED "DESCHUTES COUNTY PUBLIC WORKS R/W LS 1607" BEING A POINT OF REVERSE CURVATURE AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF SAID MURPHY ROAD AND THE NORTH LINE OF THAT PARCEL DESCRIBED IN SAID DECLARATION OF DEDICATION RECORDED IN VOLUME 9, PAGE 143; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE OF MURPHY ROAD, ALONG SAID NORTH LINE PER DECLARATION OF DEDICATION, BEING A CURVE TO THE RIGHT WITH A RADIUS OF 50.00 FEET, AN ARC DISTANCE OF 32.79 FEET, THROUGH A CENTRAL ANGLE OF 37°34'25" (THE CHORD TO WHICH BEARS NORTH 70°59'49" WEST, 32.20 FEET) TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID NORTH LINE PER DECLARATION OF DEDICATION, ALONG A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 270.00 FEET, AN ARC DISTANCE OF 20.84 FEET, THROUGH A CENTRAL ANGLE OF 4°25'20" (THE CHORD TO WHICH BEARS NORTH 84°19'01" WEST, 20.83 FEET); THENCE NORTH 82°06'21" WEST, 40.44 FEET; THENCE NORTH 07°53'39" EAST, 31.44 FEET TO SAID NORTH LINE OF THAT PARCEL DESCRIBED IN SAID DECLARATION OF DEDICATION RECORDED IN VOLUME 9, PAGE 143; THENCE ALONG SAID NORTH LINE, BEING A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 50.00 FEET, AN ARC DISTANCE OF 52.87 FEET, THROUGH A CENTRAL ANGLE OF 60°34'51" (THE CHORD TO WHICH BEARS SOUTH 60°46'56" EAST, 50.44 FEET) TO A POINT OF REVERSE CURVATURE, MARKED BY A 2 INCH ALUMINUM CAP STAMPED "DESCHUTES COUNTY PUBLIC WORKS R/W LS 1607"; THENCE CONTINUING ON SAID NORTH LINE, ALONG A CURVE TO THE LEFT WITH A RADIUS OF 50.00 FEET, AN ARC DISTANCE OF 18.95 FEET, THROUGH A CENTRAL ANGLE OF 21°43'06" (THE CHORD TO WHICH BEARS SOUTH 41°21'03" EAST, 18.84 FEET) TO THE TRUE POINT OF BEGINNING.

CONTAINING 11,845 SQUARE FEET, MORE OR LESS.

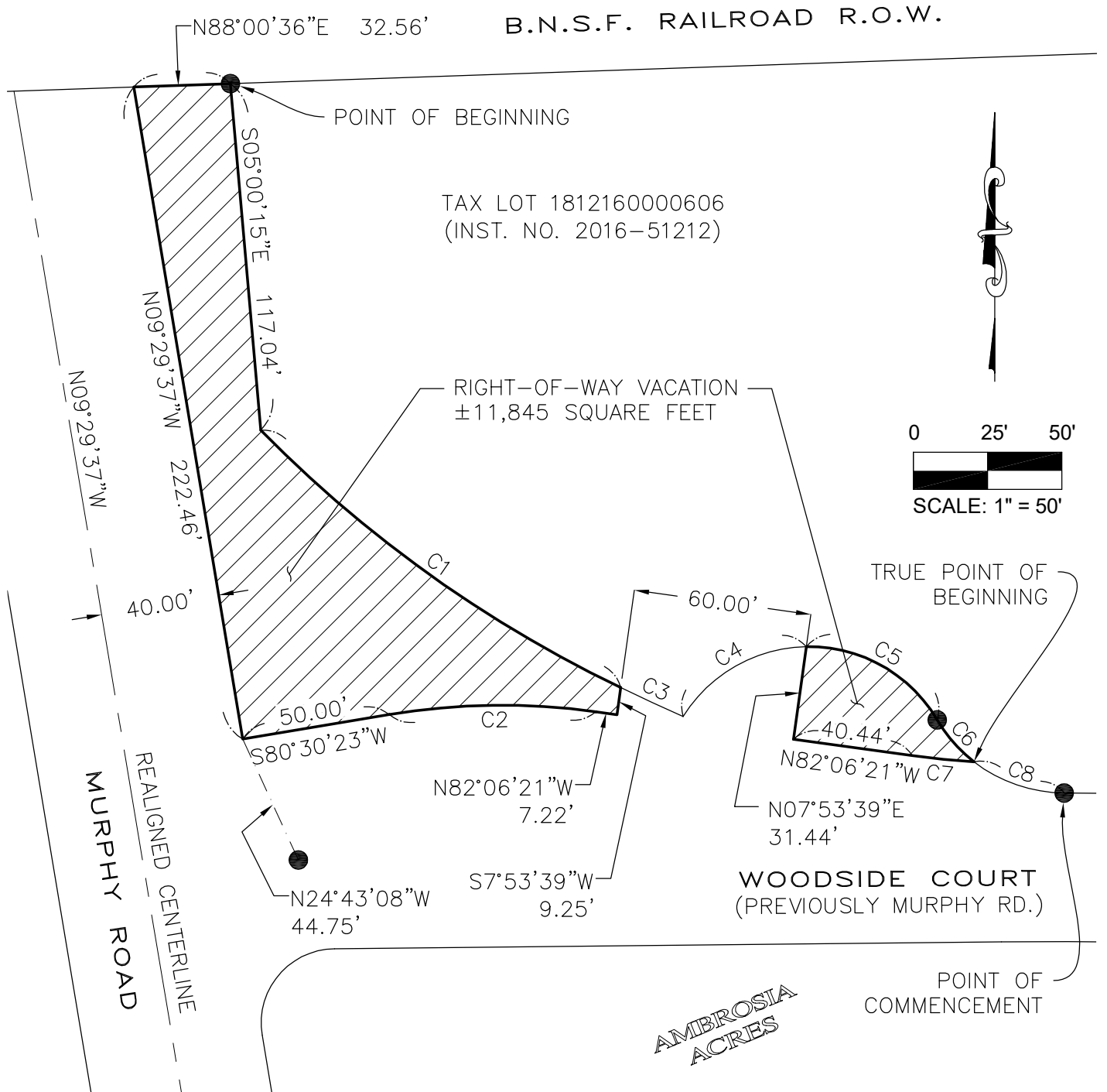
BEARINGS BASED UPON THE CENTRAL OREGON COORDINATE SYSTEM (COCS).

SUBJECT TO ANY EASMENTS OR RESTRICTIONS OF RECORD.

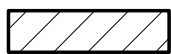
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LAND SURVEYOR
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OREGON
MAY 11, 2021
BRAD R. RHOADES
91917PLS

RENEWS: 12/31/2024

EXHIBIT 'B' RIGHT-OF-WAY VACATION



LEGEND:



RIGHT-OF-WAY VACATION AREA
±11,845 SQ. FT.



2" ALUMINUM CAP
STAMPED "DESCHUTES
COUNTY PUBLIC
WORKS R/W LS 1607"
PER CS03989

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DocuSigned by:

DIGITALLY SIGNED

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OREGON

MAY 11, 2021
BRAD R. RHOADES
91917PLS

RENEWS: 12/31/2024

Date: 5/17/2024

Proj No: 2439502

CURVE TABLE					
CURVE NO.	DELTA	RADIUS	LENGTH	CHORD	CHORD LEN
C1	19°58'09"	429.53'	149.70'	S54°27'56"E	148.95'
C2	17°23'16"	230.00'	69.80'	S89°12'01"W	69.53'
C3	2°42'07"	491.35'	23.17'	S65°09'01"E	23.17'
C4	56°54'24"	50.00'	49.66'	N60°28'27"E	47.64'
C5	60°34'51"	50.00'	52.87'	S60°46'56"E	50.44'
C6	21°43'06"	50.00'	18.95'	S41°21'03"E	18.84'
C7	4°25'20"	270.00'	20.84'	N84°19'01"W	20.83'
C8	37°34'25"	50.00'	32.79'	N70°59'49"W	32.20'

S&F Land Services

Land Surveying & Remote Sensing

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