

ORDINANCE NO. NS- 2414

AN ORDINANCE VACATING PART OF THE 11' WIDE BIKE PATH EASEMENT ESTABLISHED BY THE SUBDIVISION PLAT OF SHEVLIN CENTER RECORDED ON JULY 23, 1981, IN CABINET C, PAGE 27, CITY OF BEND, DESCHUTES COUNTY, OR.

Findings:

- A. In 2020, the Bend Park & Recreation District (BPRD) filed a petition for vacation of a portion of an 11' wide public bike path easement established by the subdivision plat of Shevlin Center, from the intersection of NW Riverside Boulevard and NW Carlon Avenue on the north end, to the former site of the old Colorado Avenue pedestrian bridge on the south end. The petition contained the information required by State law and BC 3.80.020.
- B. On January 20, 2021, the Bend City Council accepted BPRD's petition and directed staff to schedule a public hearing to consider vacating the old, unused bike path easement.
- C. On May 5, 2021 and May 12, 2021, the City published notice of a public hearing on the vacation in The Bulletin, a newspaper of general circulation in the City, per ORS 271.110. On May 4, 2021, notices of the proposed bike path easement vacation were posted at or near each end of the proposed vacation and two conspicuous places within the proposed vacation area. The first publication and posting of the notice occurred not less than 14 days prior to the hearing on the proposed vacation, as required by State law.
- D. The City Council held a public hearing on the proposed vacation on May 19, 2021.
- E. The City has not received objections to the proposed vacation.
- F. BC 3.80.040 states that the City Council, in its sole discretion, on consideration of any factor it determines relevant, must determine whether or not a proposed vacation would be in the public interest. The City Council has determined that the old bike path easement that was dedicated to the public in 1981 is no longer in use. In 2014, the bike path was shifted closer to the Deschutes River, and BPRD acquired a new easement for the relocated path. The old bike path easement contains no sewer, water, gas, electric or telecommunications lines. Furthermore, the old bike path alignment has been restored with lawn. Therefore, the proposed vacation of the old 11' wide public bike path easement is in the public interest.

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

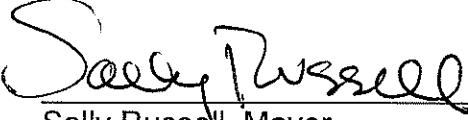
- Section 1. A portion of the 11' wide bike path easement established by the subdivision plat of Shevlin Center in the City of Bend, Deschutes County, Oregon, is vacated as described in Exhibit A and shown in Exhibit B.
- Section 2. The City Recorder is directed to file and record this Ordinance in the Deschutes County Clerk's Office.

First Reading Date: May 19, 2021

Second Reading and adoption by roll call vote: June 2, 2021

YES: Mayor Sally Russell
Mayor Pro Tem Gena Goodman Campbell
Councilor Barb Campbell
Councilor Melanie Kebler
Councilor Anthony Broadman
Councilor Megan Perkins
Councilor Rita Schenkelberg

NO: none



Sally Russell, Mayor

ATTEST:



Robyn Christie, City Recorder

Approved as to form:



Mary Winters, City Attorney

EXHIBIT "A"

EASEMENT AREA TO BE VACATED

LAND LOCATED IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 18 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON, BEING A PORTION OF THE 11' BIKE PATH EASEMENT ESTABLISHED BY THE SUBDIVISION PLAT OF SHEVLIN CENTER RECORDED JULY 23, 1981, IN CABINET C, PAGE 27, CITY OF BEND, DESCHUTES COUNTY, OREGON, FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 2 BLOCK 2 OF SHEVLIN CENTER;

THENCE ALONG THE NORTH LINE OF SAID LOT 2 BLOCK 2, SOUTH 89°43'48" WEST 441.89 FEET TO THE POINT OF BEGINNING;

THENCE LEAVING SAID NORTH LINE, SOUTH 20°08'41" EAST 77.49 FEET;

THENCE ALONG THE ARC OF A CURVE HAVING AN ARC LENGTH OF 119.51 FEET, A RADIUS OF 256.75 FEET, A TOTAL ANGLE OF 26°40'10" AND A CHORD WHICH BEARS SOUTH 33°28'47" 118.43 FEET;

THENCE SOUTH 46°48'54" EAST TO A POINT ON THE BOUNDARY OF THAT PROPERTY DESCRIBED IN INSTRUMENT NUMBER 2007-00429, DESCHUTES COUNTY OFFICIAL RECORDS;

THENCE CONTINUING SOUTH 46°48'54" EAST 49.88 FEET;

THENCE ALONG THE ARC OF A CURVE HAVING AN ARC LENGTH OF 154.33 FEET, A RADIUS OF 94.38 FEET, A TOTAL ANGLE OF 93°41'34" AND A CHORD WHICH BEARS SOUTH 00°01'50" WEST 137.70 FEET;

THENCE SOUTH 46°52'34" WEST 143.62 FEET TO A POINT ON THE SOUTHWESTERLY BOUNDARY OF SAID LOT 2 BLOCK 2;

THENCE ALONG SAID SOUTHWESTERLY BOUNDARY, NORTH 47°40'14" WEST 11.03 FEET;

THENCE LEAVING SAID BOUNDARY, NORTH 46°52'34" EAST 144.49 FEET;

THENCE ALONG THE ARC OF A CURVE HAVING AN ARC LENGTH OF 136.35 FEET, A RADIUS OF 83.38 FEET, A TOTAL ANGLE OF 93°41'34" AND A CHORD WHICH BEARS NORTH 00°01'50" EAST 143.62 FEET;

THENCE NORTH 46°48'54" WEST 52.14 FEET TO A POINT ON THE BOUNDARY OF THAT PROPERTY DESCRIBED IN INSTRUMENT NUMBER 2007-00427, DESCHUTES COUNTY OFFICIAL RECORDS;

THENCE CONTINUING NORTH 46°48'54" WEST 81.81 FEET;

THENCE ALONG THE ARC OF A CURVE HAVING AN ARC LENGTH OF 124.63 FEET, A RADIUS OF 267.75 FEET, A TOTAL ANGLE OF 26°40'10" AND A CHORD WHICH BEARS NORTH 33°28'47" WEST 123.51 FEET;

THENCE NORTH 20°08'41" WEST 81.47 FEET TO A POINT ON SAID NORTH LINE OF PARCEL 2 BLOCK 2;

THENCE ALONG SAID NORTH LINE, NORTH 89°43'48" EAST 11.70 FEET TO THE POINT OF BEGINNING.
CONTAINS 6,874 SQUARE FEET MORE OR LESS.

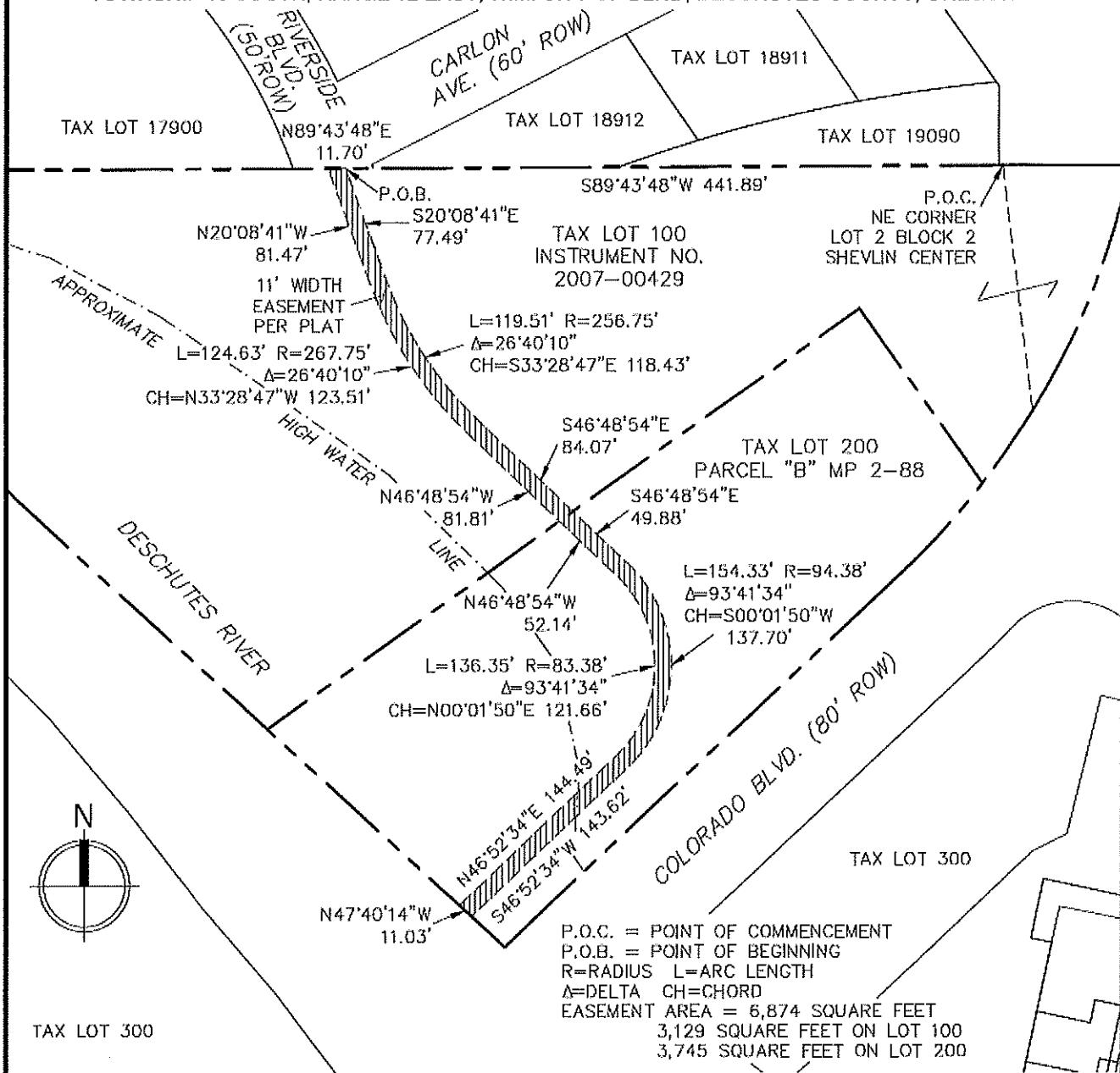
BEARINGS BASED ON THE PLAT OF SHEVLIN CENTER, RECORDED JULY 23, 1981, IN CABINET C, PAGE 27,
DESCHUTES COUNTY, OREGON.

THIS PROPERTY IS DEPICTED ON THE ATTACHED MAP TITLED EXHIBIT "B" WHICH IS INCORPORATED
HEREIN BY THIS REFERENCE.



EXHIBIT "B"
EASEMENT AREA TO BE VACATED

PORTIONS OF TAX LOTS 100 & 200 LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 5,
TOWNSHIP 18 SOUTH, RANGE 12 EAST, W.M. CITY OF BEND, DESCHUTES COUNTY, OREGON



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& LAND SURVEYING

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FOR:
BEND PARK &
RECREATION DISTRICT
799 SW COLUMBIA ST.
BEND, OR 97702

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
DEC. 16, 2009
ERIK J. HUFFMAN
70814

RENEWS: JUN. 30, 2021

DATE: 09/03/2019

SCALE: 1" = 100'

DRAWN BY: EJH

PROJ: 19128