

ORDINANCE NO. NS-2450

AN ORDINANCE VACATING THE RIGHT-OF-WAY OF NE 2nd STREET BETWEEN NE REVERE AVENUE AND NE QUIMBY AVENUE

Findings:

- A. On March 2, 2020, Kurt Schneiter (Petitioner) filed a petition to vacate NE 2nd Street between NE Revere Avenue and NE Quimby Avenue.
- B. On June 3, 2020, the City Council directed staff to proceed to process the Petition.
- C. On June 17, 2020 and June 24, 2020, 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 June 19, 2020, the City posted notice of the proposed street vacation at each end of the proposed vacation area.
- D. The City Council held a public hearing on the proposed vacation on July 15, 2020.
- E. Petitioner complied with applicable standards and submitted the required number of signatures for the Petition to be approved.
- F. On August 5, 2020 City Council adopted Ordinance 2377 which determined that the public interest would not be prejudiced by the proposed vacation and that the property should be vacated upon fulfillment of the conditions within the ordinance. The ordinance was approved, and included the condition that site plan approval be obtained by September 4, 2021.
- G. On August 26, 2021, the City approved an extension for a development approval with a one year duration that is currently set to expire on September 4, 2022.
- H. The applicant seeks an additional extension up to September 4, 2023 to allow additional time for site plan approval given unanticipated market conditions caused by the COVID-19 pandemic including significant price escalation, labor shortages, and increased interest rates.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. Ordinance 2377 vacating the right-of-way of NE 2nd Street between NE Revere Avenue and NE Quimby Avenue as described in Exhibit A and depicted in Exhibit B is amended to allow the applicant to fulfil its conditions by September 24, 2023. If all conditions of Ordinance 2377 are not fulfilled by that date, the vacation shall be null and void.

Section 2. When the City Manager has certified in writing that the conditions of Ordinance 2377 and this Ordinance have been fulfilled, the City Recorder shall file and record Ordinance 2377 and this Ordinance in the Deschutes County Clerk's Office.

First Reading Date: July 20, 2022

Second reading and adoption by roll call vote: August 3, 2022

YES: Mayor Gena Goodman-Campbell NO: none
Councilor Barb Campbell
Councilor Melanie Kebler
Councilor Megan Perkins
Councilor Stephen Sehgal
Councilor Mo Mitchell

ABSTAIN: Councilor Anthony Broadman



Gena Goodman-Campbell, Mayor

Attest:



Robyn Christie, City Recorder

Approved as to form:



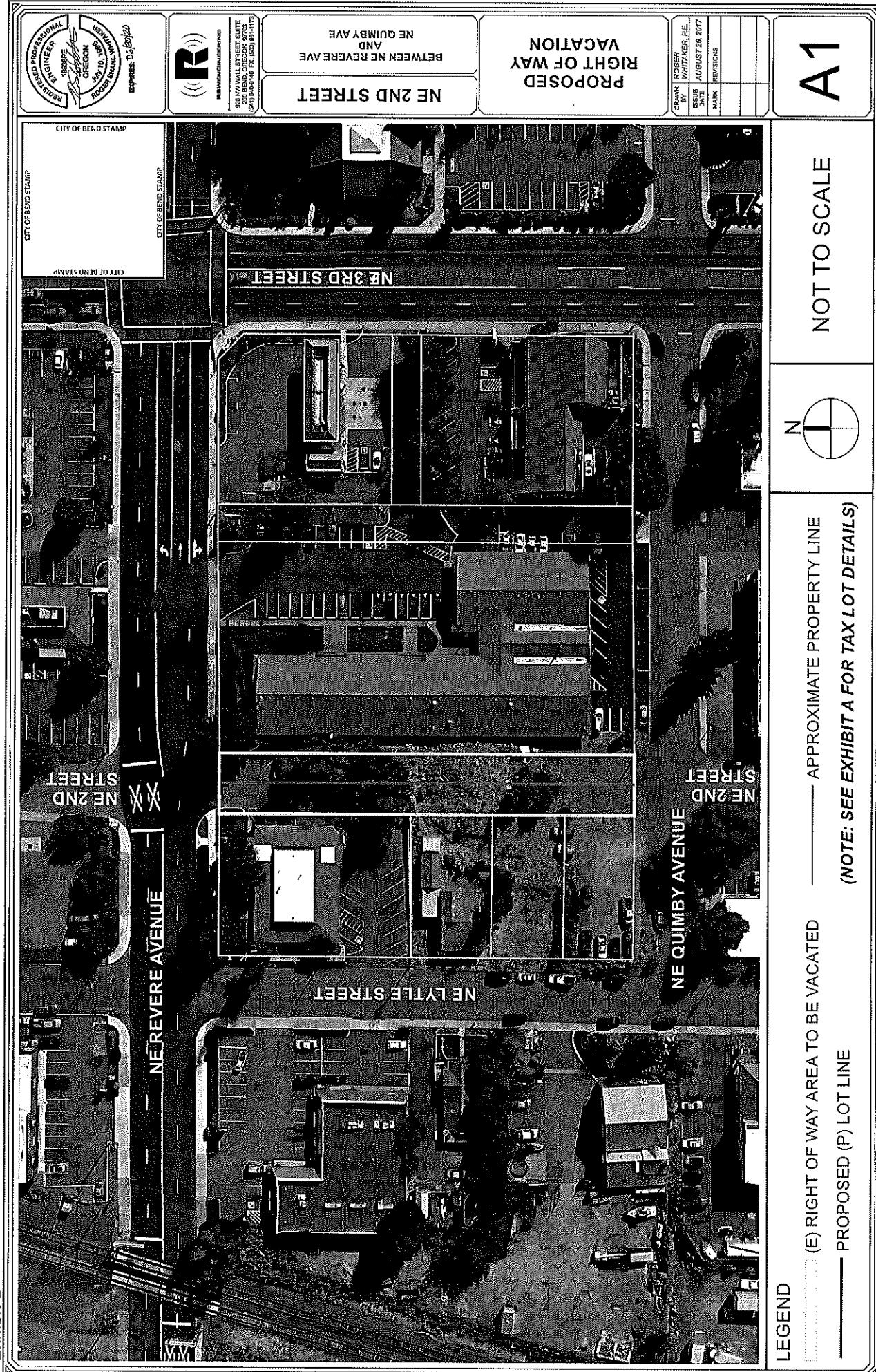
Mary Winters, City Attorney

Exhibit A

Legal Description

That portion of the 2nd Street right-of-way of Block 17 of the Riverside Subdivision between Revere and Quimby Avenue.

Exhibit B



ORDINANCE NO. NS-2377

AN ORDINANCE VACATING THE RIGHT OF WAY OF NE 2nd STREET BETWEEN NE REVERE AVENUE AND NE QUIMBY AVENUE

Findings:

- A. On March 2, 2020, Kurt Schneiter (Petitioner) filed a petition to vacate NE 2nd Street between NE Revere Avenue and NE Quimby Avenue.
- B. On June 3, 2020, the City Council directed staff to proceed to process the Petition.
- C. On June 17, 2020 and June 24, 2020, 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 June 19, 2020, the City posted notice of the proposed street vacation at each end of the proposed vacation area.
- D. The City Council held a public hearing on the proposed vacation on July 15, 2020.
- E. Petitioner complied with applicable standards and has submitted the required number of signatures for the Petition to be approved.
- F. 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 of NE 2nd Street between NE Revere Avenue and NE Quimby Avenue is vacated as described in Exhibit A and depicted in Exhibit B with the following conditions:

- a. The applicant pays \$95,000 to be used for acquisition of the right-of-way segment.
- b. The applicant records a 10-foot wide bicycle/pedestrian easement within the vacated right-of-way alignment.
- c. The vacation will not be effective until the applicant submits a Site Plan Review application that is generally consistent with the conceptual plan proposed under PZ-20-0174, and a land use decision approving the application is issued by the City.

Section 2. 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 3. If conditions are not fulfilled within one year from this Ordinance's effective date, this Ordinance shall be null and void.

First Reading Date: July 15, 2020

Second reading and adoption by roll call vote: August 5, 2020

YES: Sally Russell, Mayor
Bruce Abernethy
Barb Campbell
Bill Moseley
Justin Livingston
Gena Goodman-Campbell
Chris Piper

Sally Russell
Sally Russell, Mayor

Attest:

Robyn Christie
Robyn Christie, City Recorder

Approved as to form:

Approved as to form...

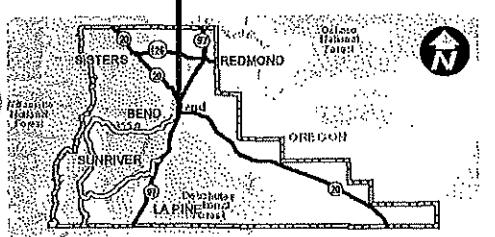
Mary Winters, City Attorney

Aerial Map

Vacation of 2nd St



A scale bar at the bottom of the map indicates distances in feet. It features a black horizontal line with a white segment in the center. Above the line, the numbers 62.5, 125, and 250 are written in black. Below the line, the word "Feet" is centered in black text.



DESCHUTES COUNTY TITLE



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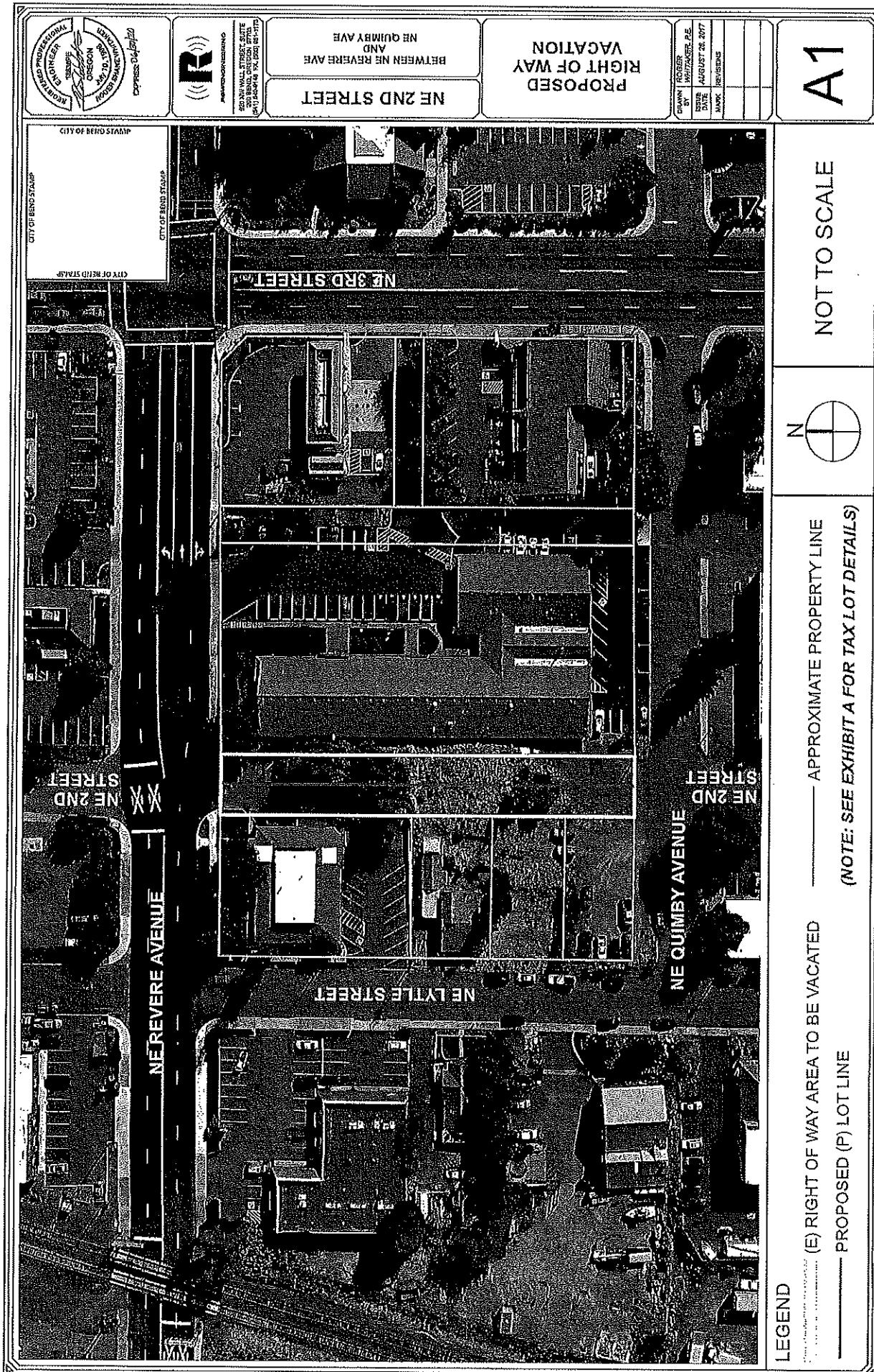
Map Data is deemed reliable but not guaranteed. Deschutes County Title accepts no responsibility for accuracy.

2nd St Vacation parcels

Property #	Owner Name	Tax Map #	Deed #
1	Jt Holdings LLC	171229DD03601	2007-43791
2	Jt Holdings LLC	171229DD03600	2007-43791
3	Walker, Jim	171229DD03700	413-2889
4	Williams Bakery	171228CC02101	110-1667
5	Williams Bakery	171228CC02102	110-1667
6	Williams Bakery	171228CC02000	110-1667
7	Bookcooks LLC	171228CC01900	2016-15850
8	William L Miller Trust	171229DD04000	2016-3178
9	Dyer, Laurence A	171229DD03900	2018-11344
10	Dyer, Laurence A	171229DD03901	2018-11344
11	Dyer Family Investments LLC	171229DD03800	2015-836
12	Maverick Decatur Georgia, LLC	171228CC05500	2017-43593
13	Daisy Property Investments LLC	171229DD06900	2018-21158
14	Sloter, James F & Kenyon, Janet L	171229DD06800	2002-47911
15	Keith L Dodge CPA LLC	171229DD06700	2018-3088
16	Creative Real Estate Solutions LLC	171228CC05901	2015-8419
17	Stallcup Properties LLC	171228CC06100	2012-51532

Legal Description

That portion of the 2nd Street right-of-way of Block 17 of the Riverside Subdivision between Revere and Quimby Avenue.





Planning Division
City of Bend
P.O. Box 431
Bend, OR 97709

EXTENSION OF APPROVAL

PROJECT NUMBER: PZ 20-0174

APPLICANT: Kurt Schneiter

REQUEST: Right of Way Vacation approval extension

STAFF REVIEWER: Karen Swenson, AICP, Senior Planner
(541) 388-5567; kswenson@bendoregon.gov

4.1.1310 Expiration of Approval.

C. Extensions.

1. The Development Services Director may grant one extension of up to one year for a development approval that contained a one-year initial duration of approval, if:
 - a. An applicant makes a written request for an extension of the development approval period; and
 - b. The request is submitted to the City prior to the expiration of the approval period.

FINDING: Right-of-way Vacation application PZ 20-0174 for the vacation of 2nd Street between Revere Avenue and Quimby Avenue was approved by the City Council on August 5, 2020. The effective date of the ordinance occurred 30 days after approval, on September 4, 2020. The adopted ordinance NS-2377 required that the applicant fulfill the conditions of the ordinance within one year of the ordinance's effective date.

The applicant requested a one-year approval extension via a formal application on June 5, 2021, due to the COVID-19 pandemic that limited development finances, preventing further financial investment in the project. Recent market recovery has renewed opportunities and the applicant is ready to meet the conditions of approval as required per the adopted ordinance, specifically obtaining Site Plan Review approval for a development similar to the concept proposed under PZ-20-0174 by the deadline below.

DECISION: A one-year extension of approval is granted for the Right of Way Vacation application PZ 20-0174. The conditions of the ordinance must be fulfilled by **September 4, 2022**, or the approval will become void.

