

ORDINANCE NO. NS - 2470

AN ORDINANCE VACATING A PORTION OF THE ALLEY RIGHT-OF-WAY WHICH BISECTS THE BLOCK BOUND BY NW WALL STREET, NW ARIZONA AVENUE, NW BOND STREET, AND NW COLORADO AVENUE.

Findings:

- A. On October 5, 2022, Petitioner filed a petition to vacate an alley right-of-way which bisects the block bound by NW Wall Street, NW Arizona Avenue, NW Bond Street, and NW Colorado Avenue (the Petition). The application (PLMISC20220728) was deemed complete on December 5, 2022.
- B. On February 15, 2023, the City Council accepted the Petition and directed staff to proceed to process the Petition.
- C. On February 28, 2023, and March 7, 2023, the City published a 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 February 24, 2023, the applicant posted notice of the proposed vacation at each end of the proposed vacation area.
- D. The Bend City Council held a public hearing on the proposed vacation on March 15, 2023.
- E. Petitioner complied with applicable standards and has submitted the required number of signatures for the Petition to be accepted.
- F. The City Council has determined that the public interest will not be prejudiced by the proposed vacation and that the right of way should be vacated upon fulfillment of the conditions of this ordinance.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The alley right-of-way which bisects the block bound by NW Wall Street, NW Arizona Avenue, NW Bond Street, and NW Colorado Avenue, excepting that portion which abuts Lots 5, 6, 11, and 12, is vacated as described in Exhibit A and depicted in Exhibit B with the following conditions:

- a. The applicant pays \$96,000 to the City for acquisition of the alley right-of-way area.
- b. The applicant consolidates the ten properties that the applicant controls and are accessed by the alley.
- c. The applicant provides Cascade Natural Gas Corporation an easement to accommodate existing utilities which are located within the alley.
- d. The applicant provides Pacific Power and Light an easement to accommodate or relocate existing utilities which are located within and above the alley.
- e. The applicant dedicates the northernmost 8 feet of Lots 5 and 6, Block 2, Deschutes Subdivision as public right-of-way.
- f. The vacation will not be effective until a final land use decision and building permits are issued by the City for construction of a development generally consistent with the conceptual plan proposed with PLMISC20220728.

Section 2. When the City Manager has certified in writing that the conditions have 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 three years from this Ordinance's effective date, this Ordinance shall be null and void.

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: March 15, 2023

Second reading and adoption by roll call vote: April 5, 2023

YES: Mayor Melanie Kebler
Councilor Barb Campbell
Councilor Anthony Broadman
Councilor Ariel Méndez
Councilor Megan Norris
Councilor Mike Riley

NO: none



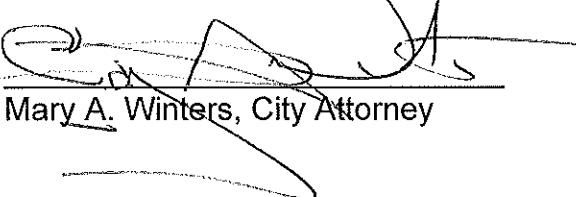
Melanie Kebler, Mayor

Attest:



Robyn Christie, City Recorder

Approved as to form:



Mary A. Winters, City Attorney

Exhibit A - REVISED
Legal Description of Right-of-Way to be Vacated

EXHIBIT A

The portion of the alley in Block 2 of Deschutes, City of Bend, Deschutes County, Oregon, lying between Lots 1 through 4 and Lots 7 through 10.



Exhibit B - Right-of-Way Vacation Affected Area Map

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

10/12/2021

S.E.1/4 S.W.1/4 SEC.32 T.17S. R.12E. W.M.

17 12 32CD

DESCHUTES COUNTY

1" = 100

Cancelled Nos.
2700
2801
5901
9000
9101
10800
11101
12800
13101
13300 thru 14001
14100
15000
16101
16301

ROW Vacation Area

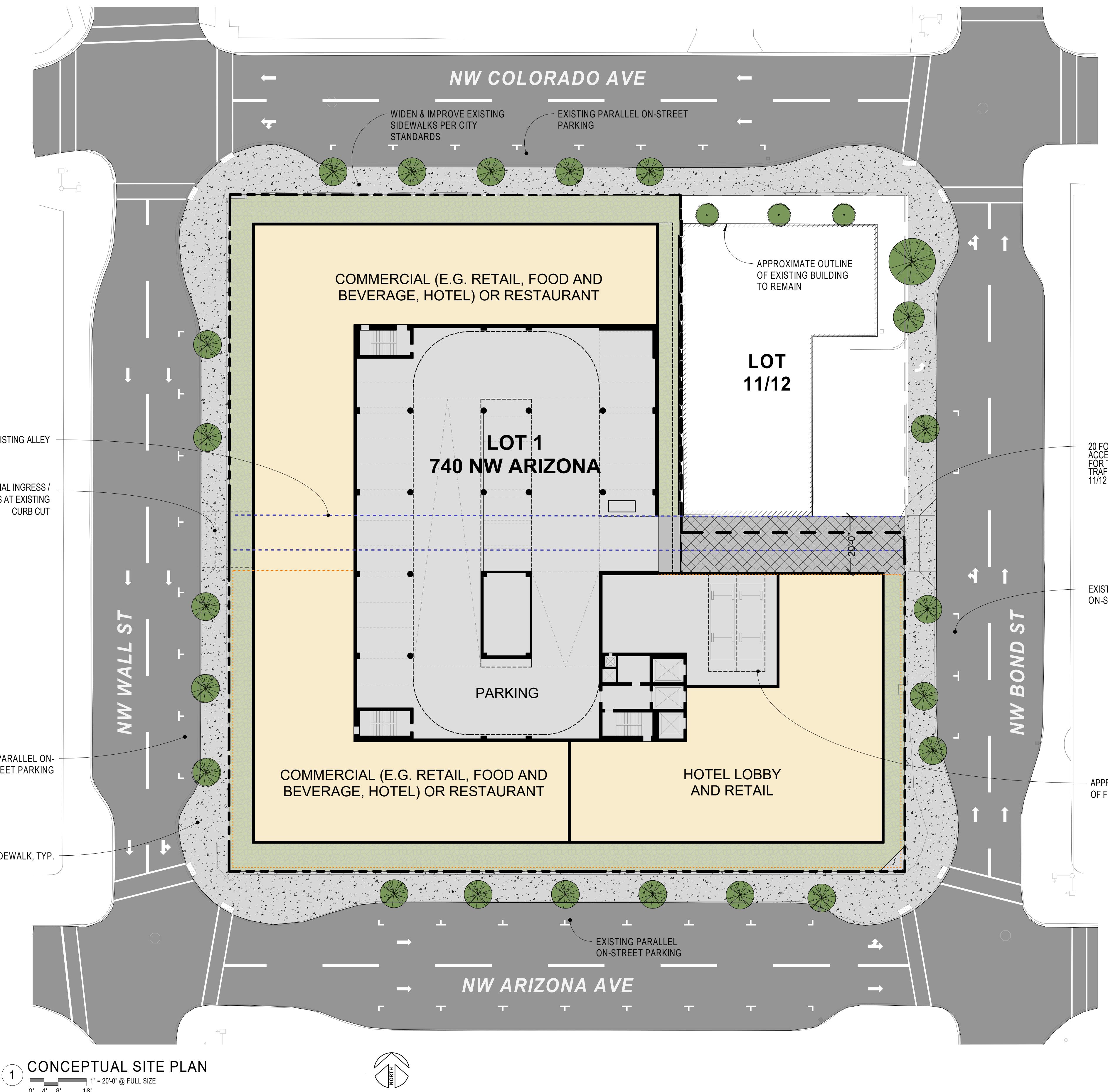
Abutting Properties

Affected Area

17 12 32CD



Exhibit C - Conceptual Site Plan 1/19/2023

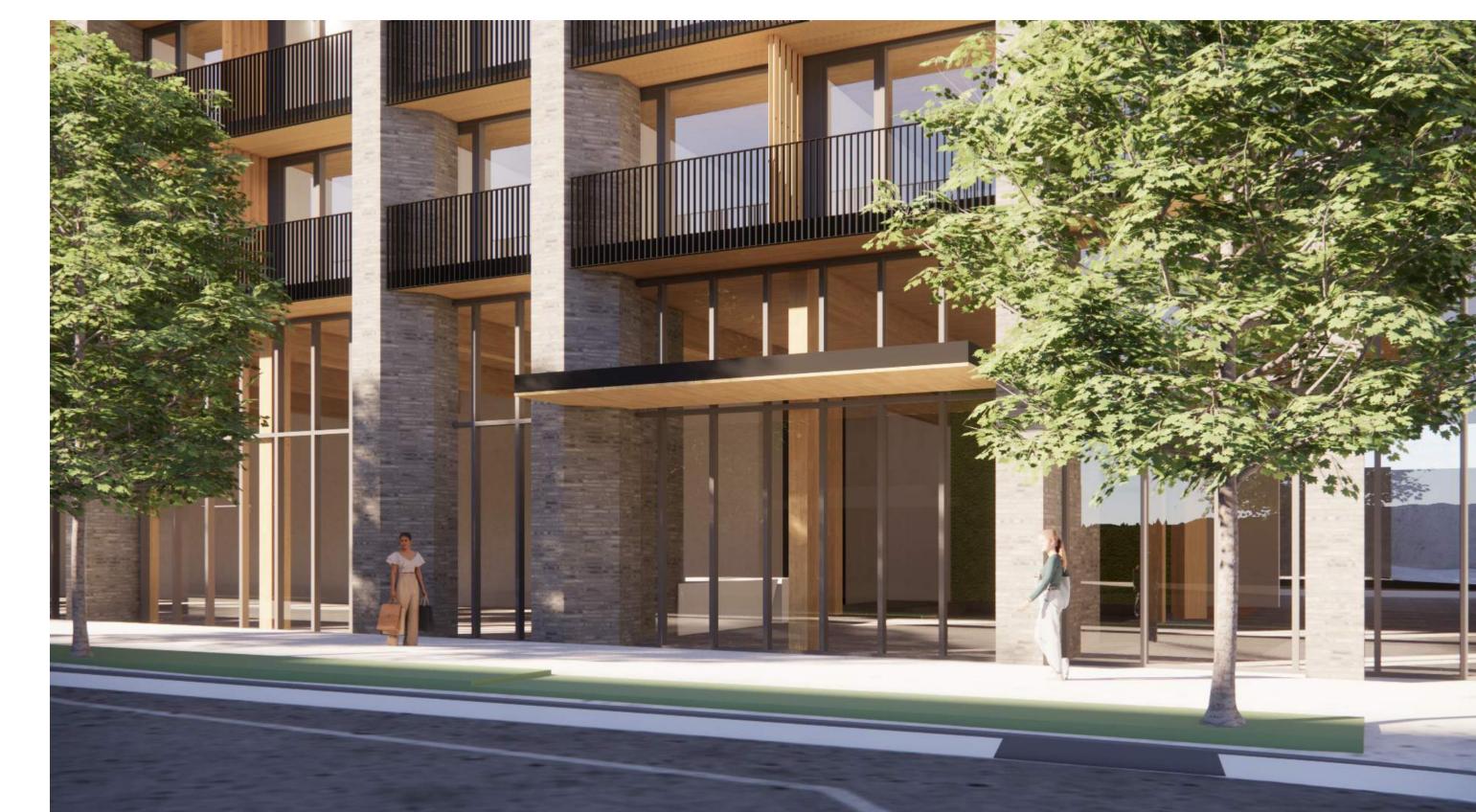


PRELIMINARY DEVELOPMENT SUMMARY

An approximately 200,000 square foot mixed-use development with five or six stories plus one level below grade, which may include the following uses:

- Lodging (e.g., hotel):
- Commercial (e.g., retail, food & beverage):
- Residential (e.g., home/office):
- Parking

PRELIMINARY VIEWS



Note: Conceptual building layout and imagery is diagrammatic and subject to change.

HACKER
555 SE MLK Jr. Blvd., Suite 501, Portland, OR 97214

FOR
REFERENCE
ONLY

DRAWING REVISIONS
Date: _____

740 NW ARIZONA
SOLTERRA DEVELOPMENT
740 NW ARIZONA AVE BEND, OR 97703
LOT CONSOLIDATION

CONCEPTUAL SITE PLAN
Drawing Title: _____

Date: 6.10.2022
Revised: 1.18.2023

Project No. 02221

Sheet No. _____

Stamp

A01