

ORDINANCE NO. NS-2522

AN ORDINANCE OF THE CITY COUNCIL VACATING THE RIGHT OF WAY OF ROMAINE VILLAGE WAY EAST OF RIDGE DRIVE AND WEST OF SOUTH HIGHWAY 97.

Recitals

- A. On April 17, 2023, BECON Engineering (Applicant) submitted a Right-of-Way Vacation application (PLMISC20230234) requesting to vacate Romaine Village Way east of Ridge Drive and West of South Highway 97, as described in Exhibit A and depicted in Exhibit B.
- B. The Applicant requested that the City Council initiate the right-of-way vacation based on a Memorandum of Understanding (MOU) signed by the City of Bend and the adjacent property owner in 2021. The MOU expressed mutual interest in facilitating the installation of the Southwest Sewer Basin Main Sewer Line and the realignment of Romaine Village Way to the south.
- C. Dedication for the realigned Romaine Village Way was completed in March of 2021, and the Southwest Sewer Basin main sewer line installation was completed in 2022.
- D. On February 5, 2025, the City Council initiated the right-of-way vacation and directed staff to proceed to process the right-of-way vacation application.
- E. On February 26, 2025, notice of the proposed street vacation was posted at each end of the proposed vacation area. On February 26, 2025, notice was mailed by the Planning Division to property owners and franchise utilities within the affected area of the proposed vacation, and to the representatives of the Southwest Bend Neighborhood District and Southeast Bend Neighborhood District.
- F. On March 3, 2025, and March 11, 2025, 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.
- G. The City received comments from utility providers requesting that utility easements 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 utility easements for each of the existing utility facilities.
- H. The City Council held a public hearing on the proposed vacation on March 29, 2025, and found that the right-of-way vacation complied with applicable standards in Bend Code 3.80.070.
- 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 Romaine Village Way east of Ridge Drive and west of South Highway 97 is vacated as described in Exhibit A and depicted in Exhibit B.
- Section 2.** A Pacific Power easement, 10 feet in width, is retained over the existing underground line, as proposed in Exhibit C.
- Section 3.** A Lumen Easement is retained over the full extent of the vacated right-of-way, as proposed in Exhibit C.
- Section 4.** An Avion Water Company easement, 20 feet in width, is retained over the existing Avion Water Main, as proposed in Exhibit C.
- Section 5.** Upon adoption, the City Recorder shall file and record this Ordinance in the Deschutes County Clerk's Office.
- Section 6.** 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.
- Section 7:** All other provisions of the Bend Municipal Code remain unchanged by this ordinance and remain in effect.

First Reading Date: March 19, 2025

Second reading and adoption by roll call vote: April 2, 2025

YES: Kebler, Franzosa, Méndez, Riley, Perkins, Norris, Platt

NO: None



Melanie Kebler, Mayor

ATTEST:



Morgen Fry, City Recorder

Approved as to form:



Ian Leitheiser, City Attorney

EXHIBIT "A"

LAND LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 18 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT NORTHERNMOST CORNER OF PARCEL 2 AS DESCRIBED IN INSTRUMENT NUMBER 2010-16743, DESCHUTES COUNTY OFFICIAL RECORDS, AND FURTHER DEPICTED AS PARCEL 2 OF MINOR PARTITION PLAT MP-80-29, DESCHUTES COUNTY SURVEY RECORDS, AND BEING ALSO A POINT ON THE SOUTHERLY RIGHT OF WAY OF ROMAINE VILLAGE WAY AS DEPICTED IN CS 20512, DESCHUTES COUNTY SURVEY RECORDS;

THENCE, ALONG SAID SOUTHERLY RIGHT OF WAY OF ROMAINE VILLAGE WAY, SOUTH $78^{\circ}37'07''$ WEST 294.34 FEET;

THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 330.00 FEET, AN ARC LENGTH OF 32.79 FEET, A TOTAL ANGLE OF $5^{\circ}41'32''$, AND A CHORD WHICH BEARS SOUTH $81^{\circ}27'53''$ WEST 32.77 FEET TO THE INTERSECTION POINT OF SAID SOUTHERLY RIGHT OF WAY, AND THE NORTHERLY RIGHT OF WAY OF ROMAINE VILLAGE WAY AS DEDICATED PER INSTRUMENT NUMBER 2021-18063, DESCHUTES COUNTY OFFICIAL RECORDS;

THENCE, NORTH $60^{\circ}13'01''$ WEST 165.54 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF ROMAINE VILLAGE WAY AS DEPICTED IN SAID CS 20512, DESCHUTES COUNTY SURVEY RECORDS;

THENCE, ALONG SAID NORTHERLY RIGHT OF WAY, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 270.00 FEET, AN ARC LENGTH OF 167.98 FEET, A TOTAL ANGLE OF $35^{\circ}38'44''$, AND A CHORD WHICH BEARS SOUTH $83^{\circ}33'32''$ EAST 165.28 FEET;

THENCE, CONTINUING ALONG SAID RIGHT OF WAY, NORTH $78^{\circ}37'07''$ EAST 294.34 FEET;

THENCE, CONTINUING ALONG SAID RIGHT OF WAY, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 280.00 FEET, AN ARC LENGTH OF 150.50 FEET, A TOTAL ANGLE OF $30^{\circ}47'45''$, AND A CHORD WHICH BEARS SOUTH $85^{\circ}59'00''$ EAST 148.69 FEET;

THENCE LEAVING SAID RIGHT OF WAY, SOUTH $27^{\circ}02'40''$ WEST 60.68 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF ROMAINE VILLAGE WAY AS DEPICTED IN SAID CS 20512;

THENCE, CONTINUING ALONG SAID RIGHT OF WAY, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 220.00 FEET, AN ARC LENGTH OF 110.19 FEET, A TOTAL ANGLE OF $28^{\circ}41'48''$, AND A CHORD WHICH BEARS NORTH $87^{\circ}01'59''$ WEST 109.04 FEET TO THE POINT OF BEGINNING.

CONTAINS 30,457 SQUARE FEET, MORE OR LESS.

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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Alex Hagen

OREGON
MARCH 14, 2023
ALEXANDER J. HAGEN
93901

RENEWS: JUN. 30, 2025

EXHIBIT "B"

LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 17,
TOWNSHIP 18 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, CITY OF
BEND, DESCHUTES COUNTY, OREGON

INST. NO. 2016-11723

BELL, GARY ETL:
1812170002005
INST. NO. 1990-14154

VACATION AREA =
30,457 SF +/-

R=270.00', L=167.98'
 $\Delta=35^{\circ}38'44''$
CH=S83°33'32"E 165.28'

R=280.00', L=150.50'
 $\Delta=30^{\circ}47'45''$
CH=S85°59'00"E 148.69'

N78°37'07"E 294.34'

N27°02'40"E 60.68'

60.00'

ROMAINE
VILLAGE WAY

S78°37'07"W 294.34'

POINT OF BEGINNING
N'MOST COR PARCEL 2

CH=N87°01'59"W 109.04'
 $\Delta=28^{\circ}41'48''$
R=220.00', L=110.19'

R=330.00', L=32.79'
 $\Delta=5^{\circ}41'32''$
CH=S81°27'53"W 32.77'

INST. NO. 2021-18063

ROMAINE
VILLAGE WAY

MP 80-29

GARY BELL RLT LLC
TL: 1812170002004
PARCEL 1
INST. NO.
2010-16743

GARY BELL RLT LLC
TL: 1812170002006
PARCEL 2
INST. NO.
2010-16743

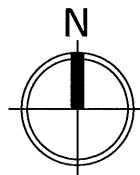
INST. NO. 2021-18064

THE DALLES-CALIFORNIA
HIGHWAY (US 97)



CIVIL ENGINEERING
& LAND SURVEYING

549 SW MILL VIEW WAY
SUITE 100
BEND, OREGON 97702
(541) 633-3140
www.beconeng.com



100 FEET

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Alex Hagen

OREGON
MARCH 14, 2023
ALEXANDER J. HAGEN
93901

RENEWES: JUN. 30, 2025

DATE: 10/05/2023

SCALE: 1" = 100'

DRAWN BY: AJH

PROJ: 21045

