

ORDINANCE NO. 2187

AN ORDINANCE AMENDING BEND CODE CHAPTER 3.80 RIGHT OF WAY VACATION

Findings:

- A. City staff was recently approached by a property owner asking about a potential right of way vacation. Staff's discussion of the issues revealed that some minor changes are needed in Chapter 3.80 Right of Way vacation to clarify process and standards.
- B. This ordinance is intended to provide the clarification needed to remove identified ambiguities in Chapter 3.80.

Based on these findings, the City of Bend ordains as follows:

Section 1. Bend Code Section 3.80.030(2) is revised to read as follows:

(2) If Council accepts the petition, it shall be reviewed by city staff for a determination of whether payment is appropriate to service the public interest and if so, the amount of the payment. Staff shall notify all affected public utility companies of the petition. Any responses from the utility companies shall be included in the materials provided to council at or prior to the hearing required by Section 3.80.050.

Section 2. Section 3.80.040 (2) is revised to read as follows.

(2) Right of Way will not be vacated if there is a reasonable possibility it will be used for right of way purposes at any time in the future, unless the potential future use can be preserved by an easement or other means.

Section 3. All other provisions of the Bend Code remain unchanged and in effect.

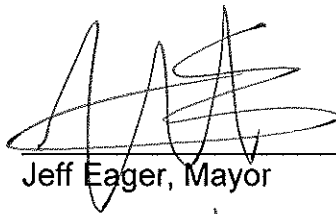
First Reading Date: May 16, 2012

Second Reading Date: June 6, 2012

Adopted by roll call vote of the Bend City Council on June 6, 2012.

YES: Tom Greene
Scott Ramsay
Mark Capell
Jodie Barram
Jim Clinton
Kathie Eckman
Mayor Jeff Eager

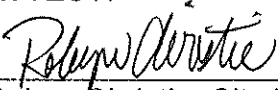
NO: None



Jeff Eager, Mayor

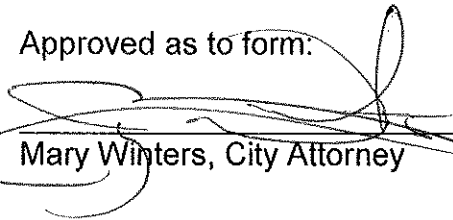
6/20/12
dated

ATTEST:



Robyn Christie, City Recorder

Approved as to form:



Mary Winters, City Attorney