



## CITY OF BEND

# TEMPORARY USE OF RIGHT OF WAY AGREEMENT

The City of Bend has created a temporary program to allow businesses to operate in the public right of way through proposals submitted to the City for approval. The intent of this program is to allow for business to open or expand operations to allow greater physical distancing and safety for patrons during Phases 1 and 2 of the Governor's Re-opening Plan. Sites must be returned to their pre-emergency configuration after Phase 2 ends or at the request of the City. Businesses must submit this form to the City of Bend Community Development Department prior to commencing outdoor operations. There is no fee to submit this form.

Address: \_\_\_\_\_

Business Name(s): \_\_\_\_\_

Contact Name (print): \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### Requirements

- Outdoor areas established under this program can only be used for dining or customer pick-up and carry-out service or merchandise display and sales. They cannot be used for activities that would promote or result in conditions where individuals cannot maintain appropriate physical distancing.
- The City encourages interested parties to collaborate and submit joint proposals for use of public right of way.
- Tables/displays must not block entrances, exits, fire lanes, hydrants, sprinkler connection points, drive aisles and back-up areas that continue to be used by vehicles, or pedestrian or ADA access.
- Building and fire access requirements must be maintained.
- ADA routes and dedicated parking must be maintained. If ADA parking spaces are proposed for non-auto use, the applicant must propose the most equivalent replacements possible.
- Applicants are responsible for employee and customer compliance with all COVID-19 Reopening Guidance documents for the applicable Sector(s) provided by the Oregon Health Authority, the Governor, and local health officials.
- Applicants must continue to comply with all other city codes and regulations (e.g, noise code).



- Applicants will take all reasonable efforts to avoid undue adverse impacts to adjacent properties from the temporary additional use.

**Prohibited Uses**

- Permanent structures
- Any modifications to or use of the right of way that would result in permanent damage to public infrastructure.
- Any other uses or conditions where individuals cannot maintain appropriate physical distancing

**Right to Revoke**

The City has the right to revoke this Agreement and all associated permissions for any violation of the requirements of the Agreement. The City may also revoke this Agreement if the City determines, in its sole discretion, that the Agreement and its associated permissions are inconsistent with changing circumstances, including but not limited to changes related to public health considerations, data, guidance, or requirements from federal, state, or county authorities, and changes in policy direction from the Bend City Council. Although the City will endeavor to provide reasonable notice prior to any revocation, the City may revoke this Agreement and its associated permissions at any time, without advance notice. If this Agreement is in effect when the City enters Phase 3 of the Governor’s Reopening Plan, the Agreement will automatically expire and all business operations must be immediately restored to their previous configuration.

**Applicant Authorization and Acceptance of Responsibility**

I (we) have read and agree to abide by these requirements. I (we) further agree to release the City of Bend from any liability, losses, claims, damages, settlements and/or attorney’s fees of any kind related in any way to this Agreement and its permissions, and to indemnify and defend the City as to liability for allowing the activity. Applicant agrees to be responsible, at its sole cost, for complete restoration of any damage or deterioration of public infrastructure related to Applicant’s use of right of way. Applicant agrees to provide appropriate insurance for the additional use and to provide proof of insurance to the City upon request.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

After signing this form please scan and email it to [licensing@bendoregon.gov](mailto:licensing@bendoregon.gov).

Contact Lorelei Williams, Program Manager, for assistance: 541-323-8565

