

**RESOLUTION 3116
EXERCISING THE POWER OF EMINENT DOMAIN**

Findings

- A. The City of Bend has the authority to exercise the power of eminent domain under the City of Bend Charter, ORS 223.105(2) and ORS Chapter 35 when deemed necessary by the City of Bend's governing body to accomplish public purposes.
- B. The City has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public.
- C. The project known as the 14th Street Reconstruction, Phase II has been planned in accordance with appropriate engineering standards for the construction of transportation infrastructure so that property damage is minimized, transportation promoted and travel safeguarded.
- D. To accomplish this project, it is necessary to acquire the interests in property described in the attached Easements 1 - 3.

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

- Section 1. The Council accepts the Findings as facts in support of this Resolution. The properties being acquired are necessary for the construction of the project and are in the public interest. The project has been planned, designed, located and will be constructed in a manner which will be most compatible with the greatest public good and the least private injury;
- Section 2. The power of eminent domain is exercised with respect to each of the properties and interests in property described in Exhibit A. Each is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law.
- Section 3. City staff and the City's agents and attorneys are authorized and requested to attempt to agree with the owner and other persons in interest as to the compensation to be paid for each acquisition. In the event that no satisfactory agreement can be reached, City staff, agents and attorneys are authorized to commence and prosecute condemnation proceedings necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition. This authorization is not intended to expand the jurisdiction of any court to decide matters determined above or determinable by the City Council.

Section 4. The City of Bend expressly reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality or locality, and to change or abandon any acquisition.

Section 5. This resolution takes effect immediately upon adoption.

Adopted by motion of the Bend City Council on May 16, 2018.

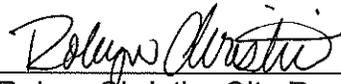
YES: Casey Roats, Mayor
Sally Russell
Bruce Abernethy
Bill Moseley
Nathan Boddie
Justin Livingston

NO: none



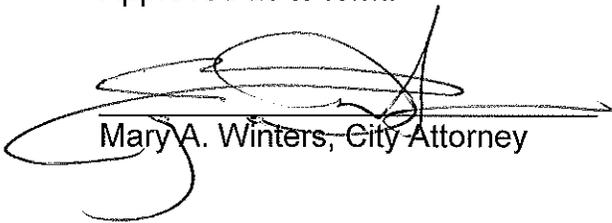
Casey Roats, Mayor

Attest:



Robyn Christie, City Recorder

Approved as to form:



Mary A. Winters, City Attorney

EXHIBIT A

**14th Street – Temporary Construction Easement
TL 171231DB 08500**

PROPERTY DESCRIPTION

A 5.00 foot wide strip of land, containing 500 square feet, more or less, being a portion of Lot 1, Block 45, Northwest Townsite Co's Second Addition, located in the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section 31, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

The east 5.00 feet of said Lot 1.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Patrick Gage Cole 5/8/18

OREGON
JULY 10, 2007
PATRICK GAGE COLE
79157

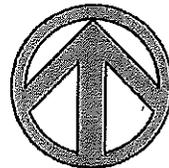
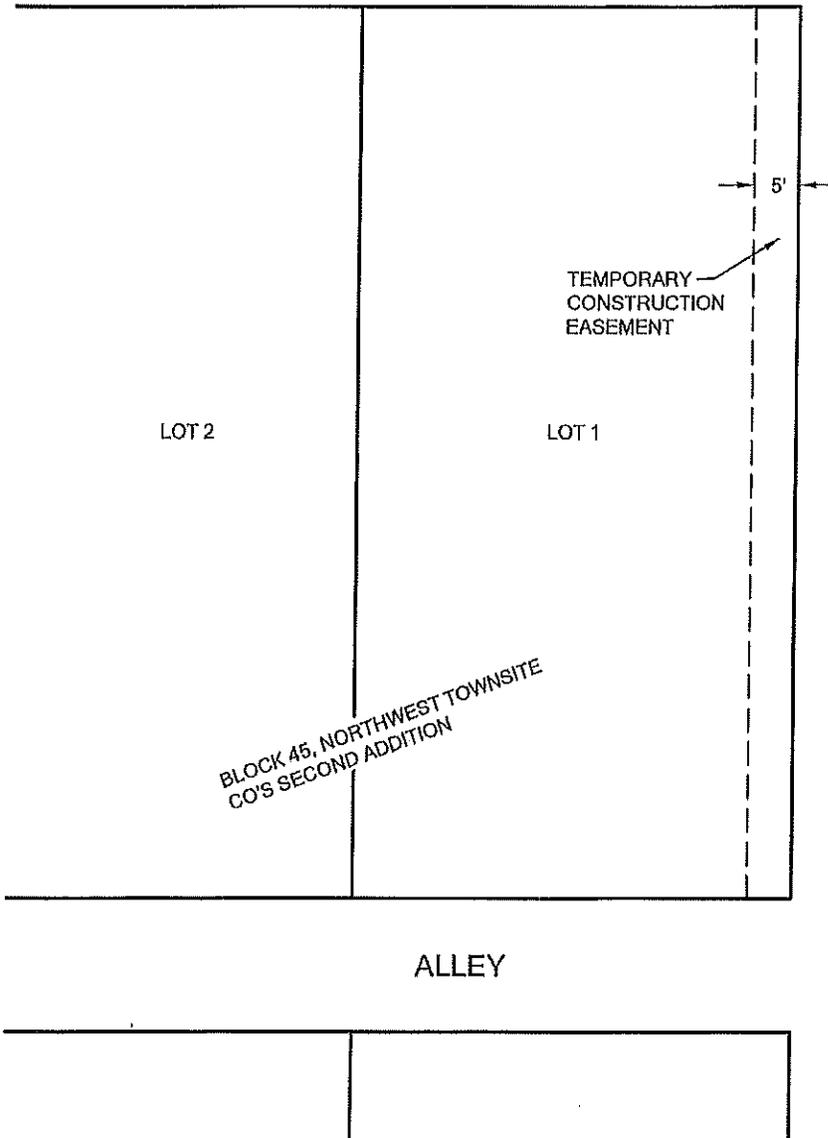
EXPIRES: 12/31/19

May 8, 2018

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TEMPORARY CONSTRUCTION EASEMENT
 EASEMENT ACQUISITION PARCEL - TL 171231DB 08500
 LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW1/4 SE1/4)
 OF SECTION 31, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.,
 CITY OF BEND, DESCHUTES COUNTY, OREGON

FRESNO AVENUE



NORTH

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Patrick Gage Cole 5/8/18

OREGON
JULY 10, 2007
PATRICK GAGE COLE
79157

EXPIRES: 12/31/19



CITY OF BEND - 14TH STREET PROJECT

111107D-ACQUISITIONS.DWG

SCALE: 1" = 20'

DRAWN BY: AQR

DATE: 5/8/2018

SHEET

1/1

EXHIBIT A

**14th Street – Temporary Construction Easement
TL 171231DC 10700**

PROPERTY DESCRIPTION

An 8.00 foot wide strip of land, containing 880 square feet, more or less, being a portion of Lot 16, Block 28, Highland Addition, located in the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of Section 31, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

The east 8.00 feet of said Lot 16.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Patrick Gage Cole 5/8/18

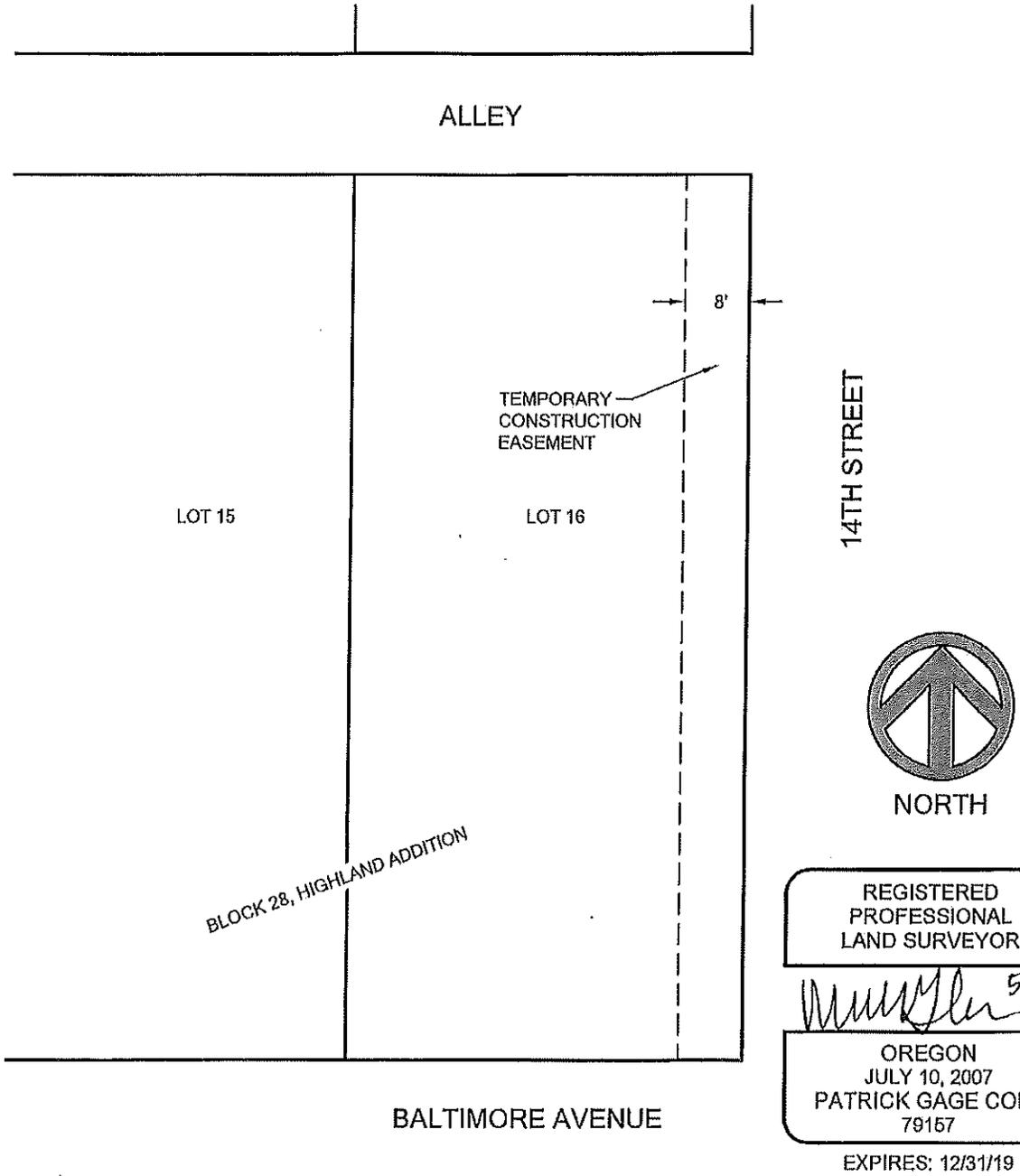
OREGON
JULY 10, 2007
PATRICK GAGE COLE
79167

EXPIRES: 12/31/19

May 8, 2018

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TEMPORARY CONSTRUCTION EASEMENT
 EASEMENT ACQUISITION PARCEL - TL 171231DC 10700
 LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE1/4)
 OF SECTION 31, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.,
 CITY OF BEND, DESCHUTES COUNTY, OREGON



CITY OF BEND - 14TH STREET PROJECT		SHEET 1/1
111107D-ACQUISITIONS.DWG		
SCALE: 1" = 20'	DRAWN BY: AQR	DATE: 5/8/2018

EXHIBIT A

**14th Street – Temporary Construction Easement
TL 171231DC 03600**

PROPERTY DESCRIPTION

A 7.00 foot wide strip of land, containing 700 square feet, more or less, being a portion of Lot 1, Block 27, Highland Addition, located in the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of Section 31, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

The east 7.00 feet of said Lot 1.



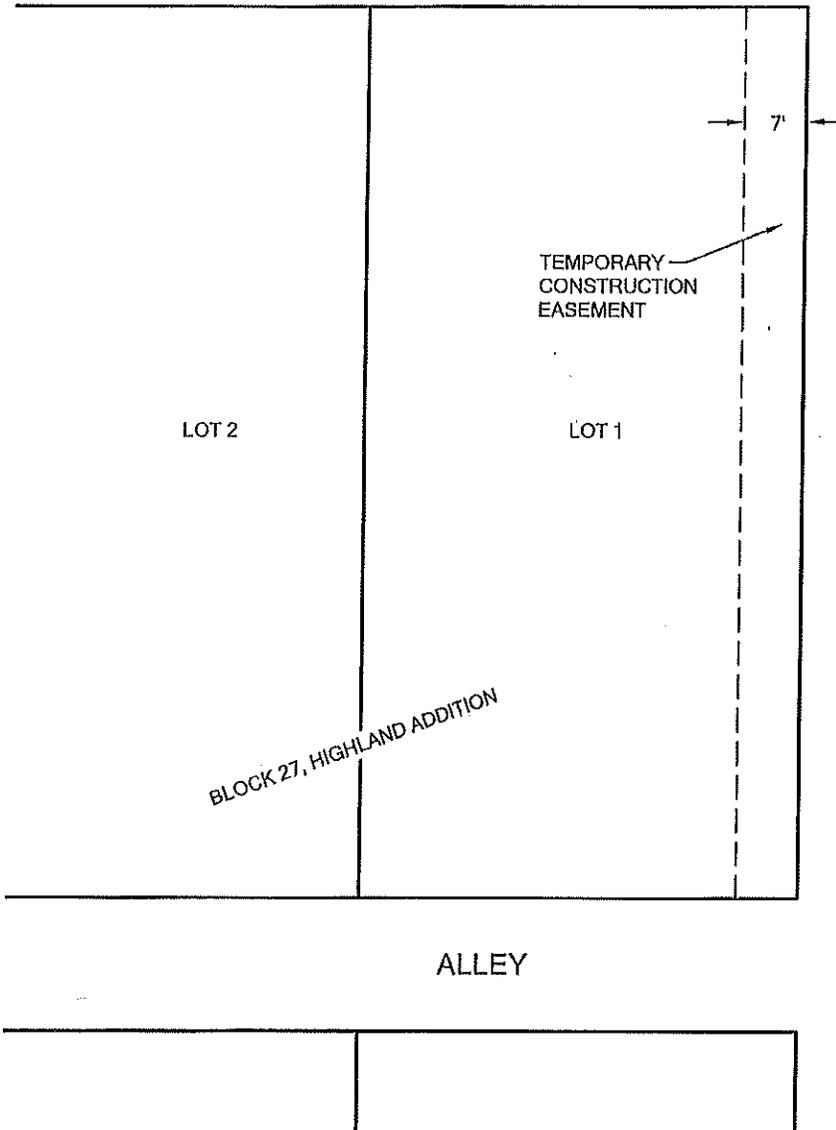
EXPIRES: 12/31/19

May 8, 2018

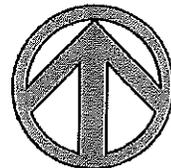
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TEMPORARY CONSTRUCTION EASEMENT
 EASEMENT ACQUISITION PARCEL - TL 171231DC 03600
 LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE1/4)
 OF SECTION 31, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.,
 CITY OF BEND, DESCHUTES COUNTY, OREGON

DAVENPORT AVENUE



14TH STREET



NORTH

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Patrick Gage Cole 5/8/18

OREGON
 JULY 10, 2007
 PATRICK GAGE COLE
 79157

EXPIRES: 12/31/19



CITY OF BEND - 14TH STREET PROJECT
 111107D-ACQUISITIONS.DWG

SHEET

1/1

SCALE: 1" = 20'

DRAWN BY: AQR

DATE: 5/8/2018