

## RESOLUTION NO. 3176

### RESOLUTION 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 a safe transportation system to serve and protect the public.
- C. The project known as the Citywide Safety Improvements has been planned and designed in accordance with appropriate engineering standards for the construction of transportation infrastructure so that property damage is minimized and safety for the public is provided.
- D. To accomplish this project, it is necessary to acquire the interests in property described in the attached Attachment A.

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 Attachment 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 October 16, 2019.

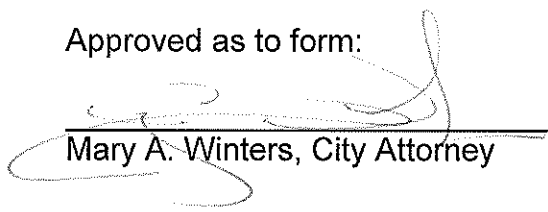
YES: Sally Russell, Mayor      NO: none  
Bruce Abernethy  
Barb Campbell  
Bill Moseley  
Justin Livingston  
Gena Goodman-Campbell  
Chris Piper

  
\_\_\_\_\_  
Sally Russell, Mayor

Attest:

  
\_\_\_\_\_  
Robyn Christie, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mary A. Winters, City Attorney

## EXHIBIT 'A'

### TEMPORARY CONSTRUCTION EASEMENT

A PARCEL OF THE LAND BEING A PORTION OF THAT PROPERTY DESCRIBED IN THAT STATUTORY WARRANTY DEED RECORDED AS INSTRUMENT NO. 88-26635, OFFICIAL RECORDS OF DESCHUTES COUNTY, OREGON, SITUATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 17, TOWNSHIP 18 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON; SAID PARCEL BEING THAT PORTION OF SAID PROPERTY INCLUDED IN A VARIABLE WIDTH STRIP OF LAND, LYING EASTERLY OF THE CENTERLINE OF RELOCATED U.S. HIGHWAY 97 BUSINESS (SOUTH 3RD STREET), WHICH CENTERLINE IS DESCRIBED AS FOLLOWS:

BEGINNING AT CENTER LINE STATION "US97 BUS" 163+46.61 POT BACK = 163+49.03 POT AHEAD AS SHOWN ON THAT RECORD OF SURVEY MAP TITLED "RECOVERY AND RETRACEMENT MAP - SOUTH 3RD STREET: FRANKLIN AVENUE TO MURPHY ROAD" FILED JULY 2, 2014 AS COUNTY SURVEY NO. 18732 IN THE DESCHUTES COUNTY SURVEYOR'S OFFICE;

THENCE ALONG SAID CENTER LINE, SOUTH 16°47'54" WEST, 3753.63 FEET TO STATION 201+02.66 POT BACK = STATION 200+99.90 PS AHEAD AS SHOWN ON SAID RECORD OF SURVEY MAP, SAID POINT BEING THE TERMINUS OF THIS CENTER LINE DESCRIPTION;

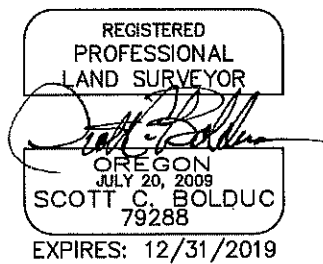
THE WIDTH IN FEET OF SAID STRIP OF LAND IS AS FOLLOWS:

<u>STATION</u>	<u>TO</u>	<u>STATION</u>	<u>WIDTH ON THE EASTERLY SIDE OF CENTER LINE</u>
181+59.97		181+92.77	35.00 IN A STRAIGHT LINE TO 75.00
181+92.77		182+28.99	75.00 IN A STRAIGHT LINE TO 75.50
182+28.99		182+65.33	75.50 IN A STRAIGHT LINE TO 35.00

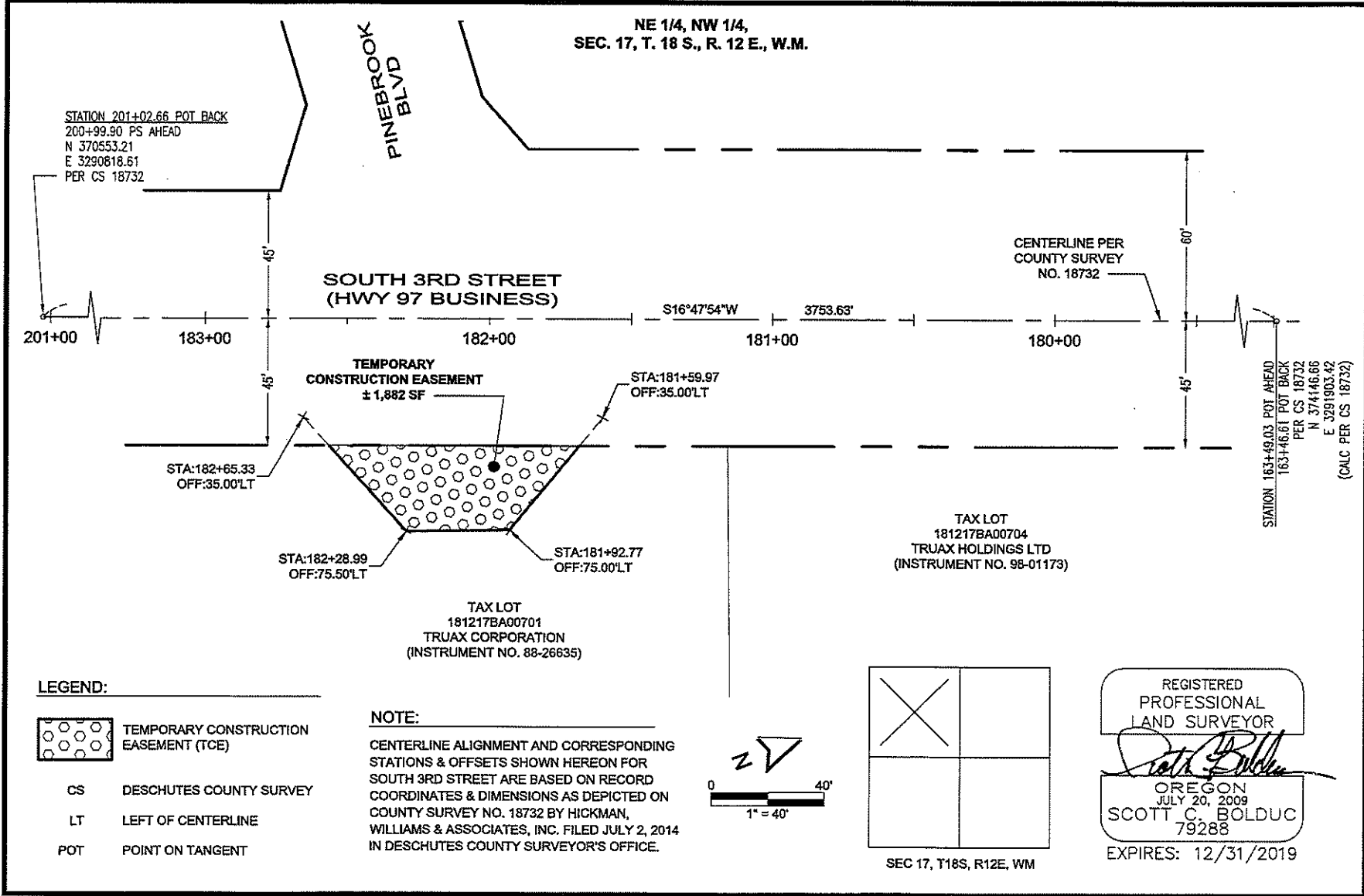
EXCEPTING THEREFROM, THAT PORTION OF SAID STRIP LYING WITHIN THE EXISTING RIGHT OF WAY FOR SAID RELOCATED U.S. HIGHWAY 97 BUSINESS (SOUTH 3RD STREET).

BEARINGS ARE CENTRAL OREGON COORDINATE SYSTEM GRID BEARINGS PER SAID COUNTY SURVEY NO. 18732. COORDINATES ARE CENTRAL OREGON COORDINATE SYSTEM GRID VALUES PER SAID COUNTY SURVEY NO. 18732.

THIS PARCEL OF LAND CONTAINS 1,882 SQUARE FEET, MORE OR LESS.



PATH: U:\Bend\Projects\Clients\2763-CityOfBend\297-2763-016 Task Order 01\99Svcs\Survey\00Current\Drawg



CITY OF BEND

TEMPORARY CONSTRUCTION  
EASEMENT

EXHIBIT B - TRUAX CORPORATION  
TAX LOT 181217BA00701  
CITY OF BEND, OREGON

**Parametrix**  
ENGINEERING · PLANNING · ENVIRONMENTAL SCIENCES

150 NW PACIFIC PARK LANE, SUITE 110 | BEND, OR 97701  
P 541.508.7710  
WWW.PARAMETRIX.COM

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Scott C. Bolduc*

OREGON  
JULY 20, 2009  
SCOTT C. BOLDUC  
79288  
EXPIRES: 12/31/2019

SHEET NO.  
1 OF 1

DWG NAME  
BE2763016V-PINEBROOK-EA

DATE  
8/5/2019

## EXHIBIT 'A'

### RIGHT OF WAY DEDICATION

A PARCEL OF THE LAND BEING A PORTION OF THAT PROPERTY DESCRIBED IN THAT STATUTORY WARRANTY DEED RECORDED AS INSTRUMENT NO. 98-01173, OFFICIAL RECORDS OF DESCHUTES COUNTY, OREGON, SITUATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 17, TOWNSHIP 18 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON; SAID PARCEL BEING THAT PORTION OF SAID PROPERTY INCLUDED IN A 54.00 FOOT WIDE STRIP OF LAND, LYING ON THE EASTERLY SIDE OF THE CENTERLINE OF RELOCATED U.S. HIGHWAY 97 BUSINESS (SOUTH 3RD STREET), WHICH CENTERLINE IS DESCRIBED AS FOLLOWS:

BEGINNING AT CENTER LINE STATION "US97 BUS" 163+46.61 POT BACK = 163+49.03 POT AHEAD AS SHOWN ON THAT RECORD OF SURVEY MAP TITLED "RECOVERY AND RETRACEMENT MAP - SOUTH 3RD STREET: FRANKLIN AVENUE TO MURPHY ROAD" FILED JULY 2, 2014 AS COUNTY SURVEY NO. 18732 IN THE DESCHUTES COUNTY SURVEYOR'S OFFICE;

THENCE ALONG SAID CENTER LINE, SOUTH 16°47'54" WEST, 3753.63 FEET TO STATION 201+02.66 POT BACK = STATION 200+99.90 PS AHEAD AS SHOWN ON SAID RECORD OF SURVEY MAP, SAID POINT BEING THE TERMINUS OF THIS CENTER LINE DESCRIPTION;

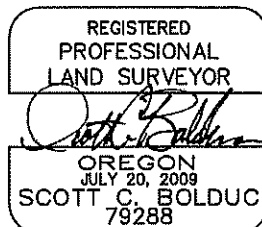
THE WIDTH IN FEET OF SAID STRIP OF LAND IS AS FOLLOWS:

<u>STATION</u>	<u>TO</u>	<u>STATION</u>	<u>WIDTH ON THE EASTERLY SIDE OF CENTER LINE</u>
180+13.15		180+36.15	54.00

EXCEPTING THEREFROM, THAT PORTION OF SAID STRIP LYING WITHIN THE EXISTING RIGHT OF WAY FOR SAID RELOCATED U.S. HIGHWAY 97 BUSINESS (SOUTH 3RD STREET).

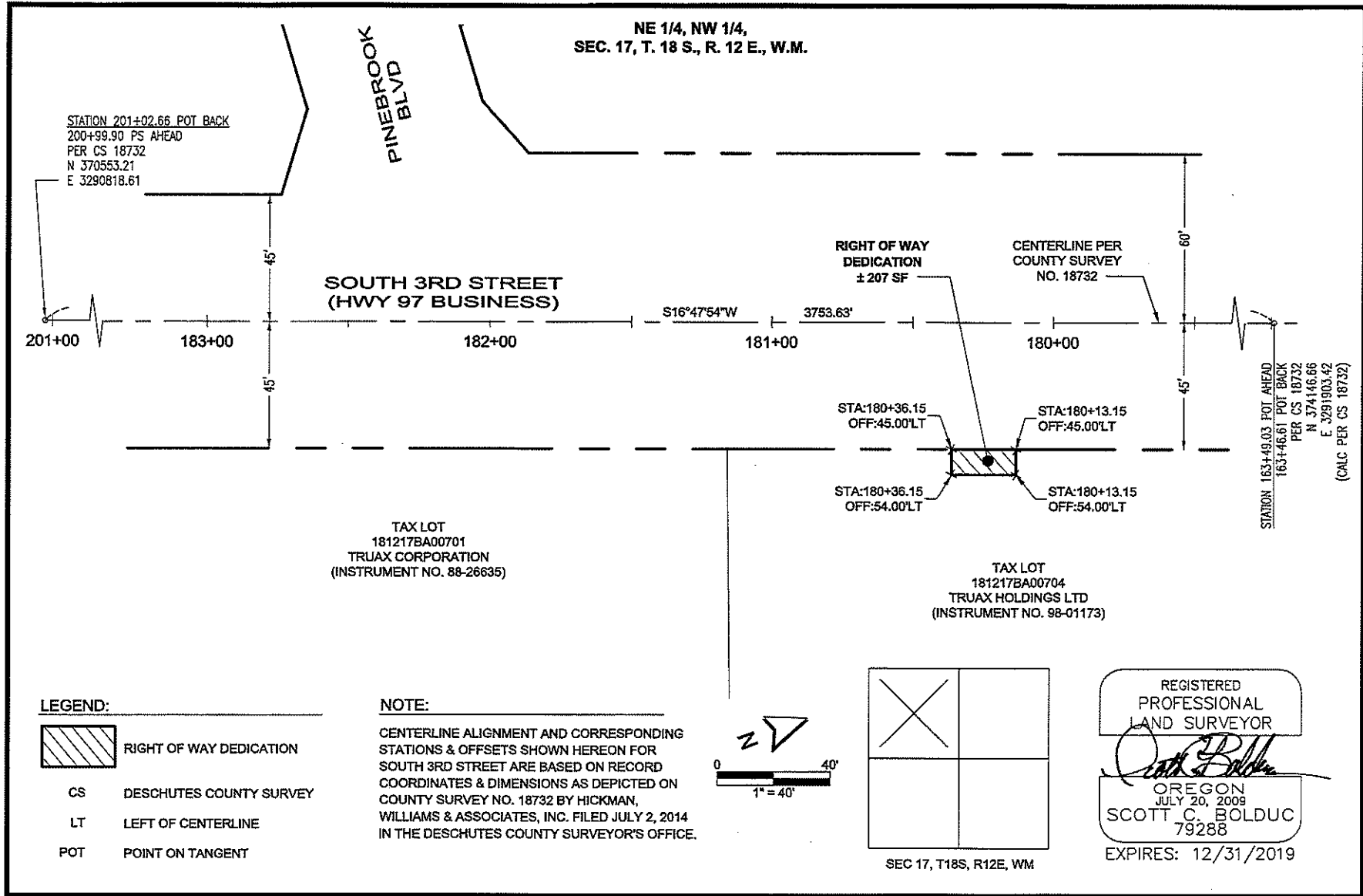
BEARINGS ARE CENTRAL OREGON COORDINATE SYSTEM GRID BEARINGS PER SAID COUNTY SURVEY NO. 18732. COORDINATES ARE CENTRAL OREGON COORDINATE SYSTEM GRID VALUES PER SAID COUNTY SURVEY NO. 18732.

THIS PARCEL OF LAND CONTAINS 207 SQUARE FEET, MORE OR LESS.



EXPIRES: 12/31/2019

PATH: U:\Bend\Projects\Clients\2763--CityOfBend\297--2763-016 Task Order 01\99Svc\Survey\00Current\00Dwg



CITY OF BEND

**RIGHT OF WAY DEDICATION**

**EXHIBIT B - TRUAX HOLDINGS LTD**  
TAX LOT 181217BA00704  
CITY OF BEND, OREGON

**Parametrix**  
ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

150 NW PACIFIC PARK LANE, SUITE 110 | BEND, OR 97701  
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