

**RESOLUTION NO. 3220
EXERCISING THE POWER OF EMINENT DOMAIN**

Findings

- A. The City of Bend ("City") has the authority to exercise the power of eminent domain under the City of Bend Charter, ORS 223.105, 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. The City is the road authority for all highways, roads, streets and alleys, other than state highways, within the boundaries of the City, under ORS 810.010, and has the authority to use the power of eminent domain for the purpose of establishing, laying out, extending or widening streets, under ORS 223.105.
- C. The Bend City Council approved a Construction Manager / General Contractor agreement with Taylor Northwest, Inc. for the Newport Corridor Improvements Project (1RNPR) on February 19, 2020. The Newport Corridor Improvements project includes roadway reconstruction and replacement of City utilities from College Way to 9th St. (the "Project"). The Project has been planned in accordance with appropriate engineering standards for the construction of transportation infrastructure to minimize property damage, promote transportation and safeguard travel.
- D. The Bend City Council previously approved a resolution for eminent domain for this Project on August 5, 2020. To accomplish this Project, it is necessary to acquire the additional interests in property described in the 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

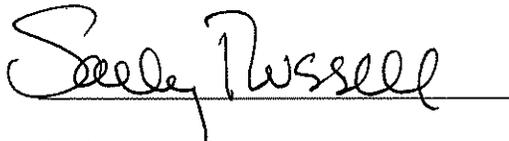
proceedings necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition. This authorization is not intended to expand the jurisdiction of any court to decide matters determined above or determinable by the City Council.

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 September 2, 2020.

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'
TAX LOT 171231AA06800

THE PROPERTY

THAT PROPERTY DESCRIBED IN STATUTORY WARRANTY DEED RECORDED OCTOBER 28, 2019, INSTRUMENT NO. 2019-41662, DESCHUTES COUNTY OFFICIAL RECORDS.

PARCEL 1 – TEMPORARY CONSTRUCTION EASEMENT

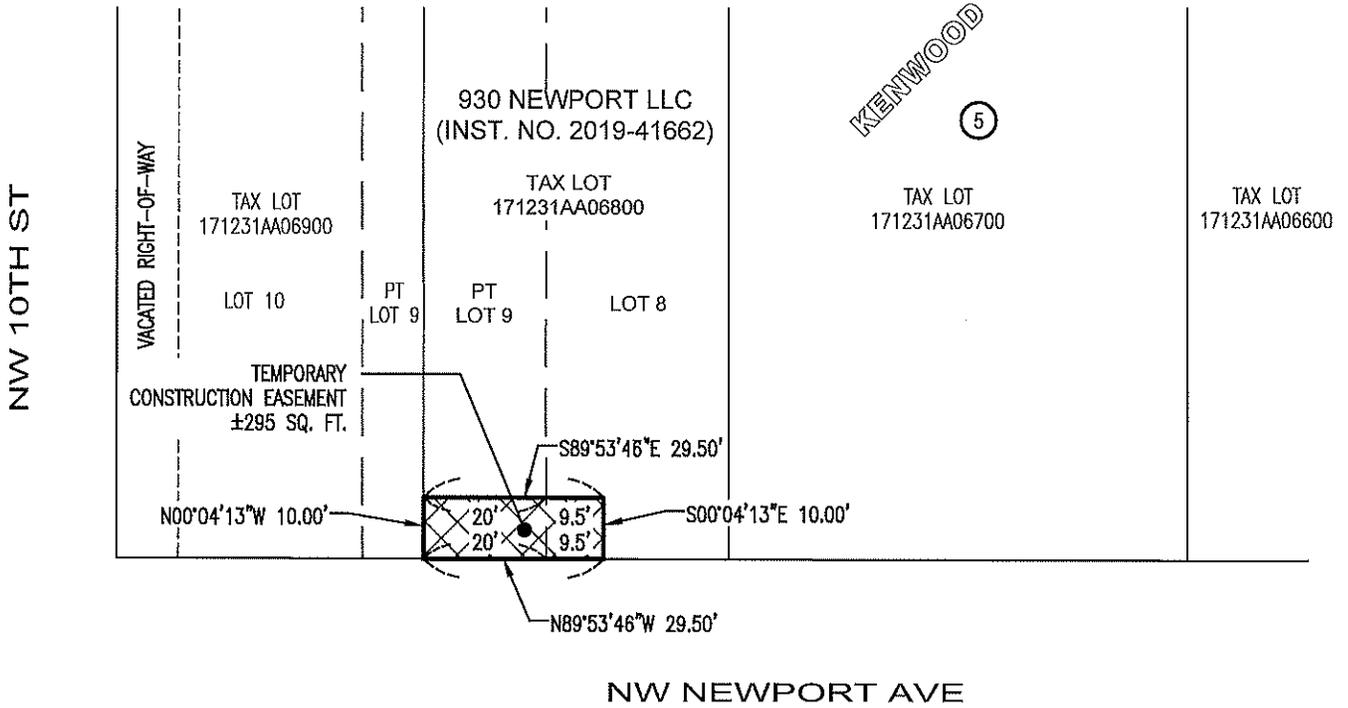
A PORTION OF LOT 8 AND LOT 9, BLOCK 5, *KENWOOD*, RECORDED AUGUST 1, 1918 IN SUBDIVISION CABINET A, PAGE 22, DESCHUTES COUNTY OFFICIAL RECORDS, LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4), SECTION 31, TOWNSHIP 17 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 9.50 FEET OF THE SOUTH 10.00 FEET OF SAID LOT 8 AND THE EAST 20.00 FEET OF THE SOUTH 10.00 FEET OF SAID LOT 9.

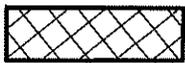
HEREIN DESCRIPTION CONTAINS 295 SQUARE FEET, MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD AND THOSE COMMON AND APPARENT TO THE LAND.





LEGEND

 PARCEL 1 - TEMPORARY CONSTRUCTION EASEMENT (295 SQ. FT., MORE OR LESS)

 PROPERTY LINE

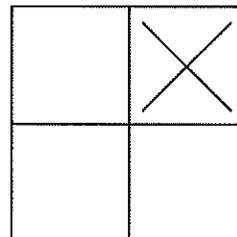
 LOT LINE

 RIGHT-OF-WAY LINE

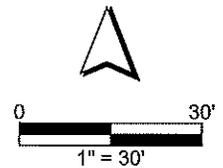
CS COUNTY SURVEY

PT PORTION OF

BEARINGS BASED UPON CENTRAL OREGON COORDINATE SYSTEM (COCS) VALUES AS SHOWN ON CS20147



SEC31,T17S,R12E,W.M.



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Andrew Huston

OREGON
JAN. 21, 2009
ANDREW N. HUSTON
#61407

EXPIRES: 6/30/2021

Parametrix

ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

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WWW.PARAMETRIX.COM

CITY OF BEND NEWPORT CORRIDOR
TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT 'B'- 930 NEWPORT LLC

TAXLOT 171231AA06800
CITY OF BEND, OR

CITY OF BEND



DRAWING NO.
1 OF 1

DWG NAME
BE2763021V-EA

DATE
7/30/2020