

## RESOLUTION NO. 3024

### 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 sanitary sewer lines for commerce, convenience and to adequately serve public health.
- C. The project known as North Area Sewer Capacity Improvements has been planned in accordance with appropriate engineering standards for the construction of sanitary sewer infrastructure so that health and property damage risk is minimized, economic development promoted, and environmental laws upheld.
- D. To accomplish this project it is necessary to acquire the interests in property described in the attached Easements 1-6.

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 project for which the properties are 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 the attached Easements 1-6. Each is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law.
- Section 3. On behalf of the City, the City Manager or designee is 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, the City Manager or designee is 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. In the event that the City Manager or designee is unable to reach an agreement with the owners(s) of the property as to the compensation to be paid therefore, the City Manager or designee is authorized and directed to institute condemnation proceedings in the name of the City of Bend in a court of competent jurisdiction for the purpose of acquiring title to possession of the above-described property.

Section 5. 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 6. This resolution takes effect immediately upon adoption.

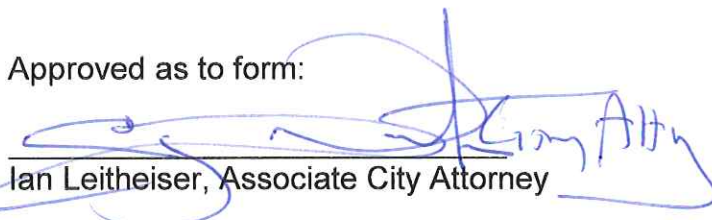
Adopted by roll call vote of the Bend City Council on March 2, 2016.

YES: Jim Clinton, Mayor                      NO: None  
Doug Knight  
Victor Chudowsky  
Sally Russell  
Nathan Boddie  
Casey Roats  
Barb Campbell

  
\_\_\_\_\_  
Jim Clinton, Mayor

ATTEST:  
  
\_\_\_\_\_  
Robyn Christie, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Ian Leitheiser, Associate City Attorney

# Easement 1

**Parametrix**  
ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

595 SW BLUFF DRIVE, SUITE B | BEND, OR 97702 | P 541.508.7710

## Exhibit 'A'

### Parcel 1 – Temporary Construction Easement

A Parcel of land lying in the Southwest One-Quarter (SW1/4) of Section 16, Township 17 South, Range 12 East, W.M., City of Bend, Deschutes County, Oregon and being a portion of that property described in that Warranty Deed to William Ray Morgan and Janice Ellen Morgan Revocable Living Trust UDT, recorded April 22, 2013 in Instrument No. 2013-16449, Deschutes County Official Records; being more particularly described as follows:

The northerly 20.00 feet of the southerly 40.00 feet of Lot 16, Block 2 of B.I.D. III Subdivision, Deschutes County, Oregon.

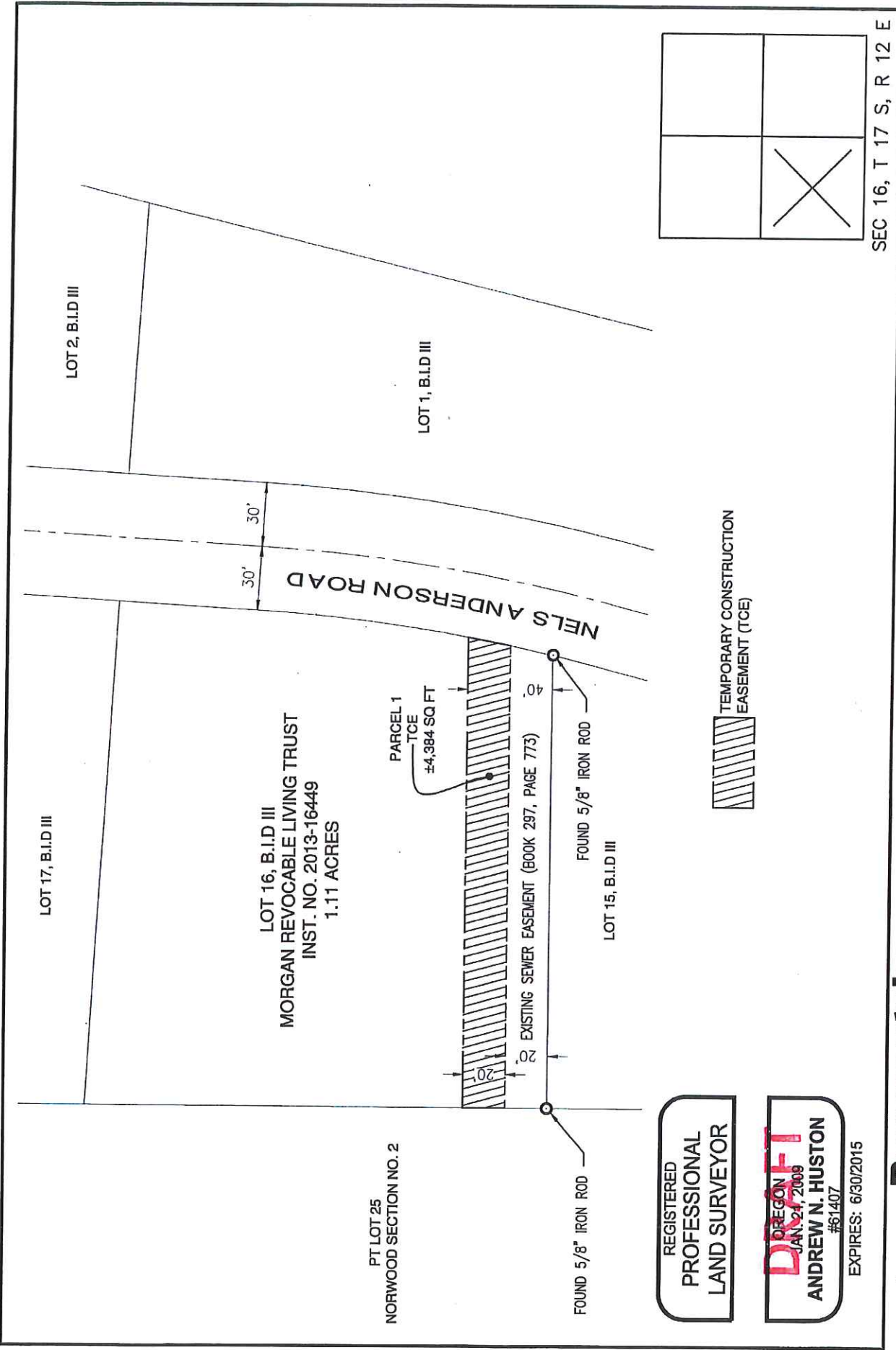
This description contains 4,384 square feet, more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

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

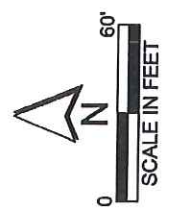
EXPIRES: 6/30/2015





REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
DANI  
JAN 24 2009  
ANDREW N. HUSTON  
#61407  
EXPIRES: 6/30/2015



**Parametrix**  
ENGINEERING, PLANNING, ENVIRONMENTAL SCIENCES  
595 SW BLUFF DRIVE, SUITE B | BEND, OR 97702  
P 541.508.7710  
WWW.PARAMETRIX.COM

DATE: April 29, 2015  
FILE: 01395W-V-EA00

TEMPORARY CONSTRUCTION EASEMENT  
EXHIBIT 'B' - MORGAN REVOCABLE LIVING TRUST  
TAX LOT 124 INST. NO. 2013-16449  
CITY OF BEND, DESCHUTES COUNTY, OREGON

SEC 16, T 17 S, R 12 E

		X	

**Exhibit 'A'**

**Parcel 1 – Permanent Sewer Easement**

A Parcel of land lying in the Southwest One-Quarter (SW1/4) of Section 16, Township 17 South, Range 12 East, W.M., City of Bend, Deschutes County, Oregon and being a portion of that property described in that Warranty Deed to Arthur D. Bailey and Sofia Sunny Bailey, Trustees of the Bailey Family Trust, recorded December 30, 1991 in Book 253, Page 1256, Deschutes County Official Records; the said parcel being that portion of said property lying 10 feet parallel to and Westerly of the following described center line:

Commencing at a 5/8 inch iron rod marking the Southeast corner of Lot 16, Block 2, B.I.D. III, recorded May 13, 1977 in Subdivision Plat Cabinet B, Page 231, Deschutes County Subdivision Plat Records; thence North 45°20'41" East 104.35 feet, to the True Point of Beginning for this centerline description;

Thence South 09°58'22" West, a distance of 75.01 feet;

Thence South 14°55'15" East, a distance of 6.00 feet;

Thence South 09°25'19" West, a distance of 152.71 feet;

Thence South 01°20'55" East, a distance of 300.73 feet;

Thence South 10°12'41" West, a distance of 101.52 feet;

Thence South 13°47'19" West, a distance of 85.35 feet and terminus of said center line description;

EXCEPTING THEREFROM: The Burlington Northern Railroad right-of-way and Nels Anderson Road right-of-way.

This parcel of land contains 3,698 square feet, more or less.

Bearings are based on the Central Oregon Coordinate System.

**Parcel 2 – Temporary Construction Easement**

A Parcel of land lying in the Southwest One-Quarter (SW1/4) of Section 16, Township 17 South, Range 12 East, W.M., City of Bend, Deschutes County, Oregon and being a portion of that property described in that Warranty Deed to Arthur D. Bailey and Sofia Sunny Bailey, Trustees of the Bailey Family Trust, recorded December 30, 1991 in Book 253, Page 1256, Deschutes County Official Records; the said parcel being that portion of said property lying 10 feet parallel to and Easterly of the following described center line:

Commencing at a 5/8 inch iron rod marking the Southeast corner of Lot 16, Block 2, B.I.D. III, recorded May 13, 1977 in Subdivision Plat Cabinet B, Page 231, Deschutes County Subdivision Plat Records; thence North 45°20'41" East 104.35 feet, to the True Point of Beginning for this center line description;

Thence South 09°58'22" West, a distance of 75.01 feet;

Thence South 14°55'15" East, a distance of 6.00 feet;

Thence South 09°25'19" West, a distance of 152.71 feet;

Thence South 01°20'55" East, a distance of 300.73 feet;

Thence South 10°12'41" West, a distance of 101.52 feet;

Thence South 13°47'19" West, a distance of 85.35 feet and terminus of said center line description;

EXCEPTING THEREFROM: The Burlington Northern Railroad right-of-way and Nels Anderson Road right-of-way.

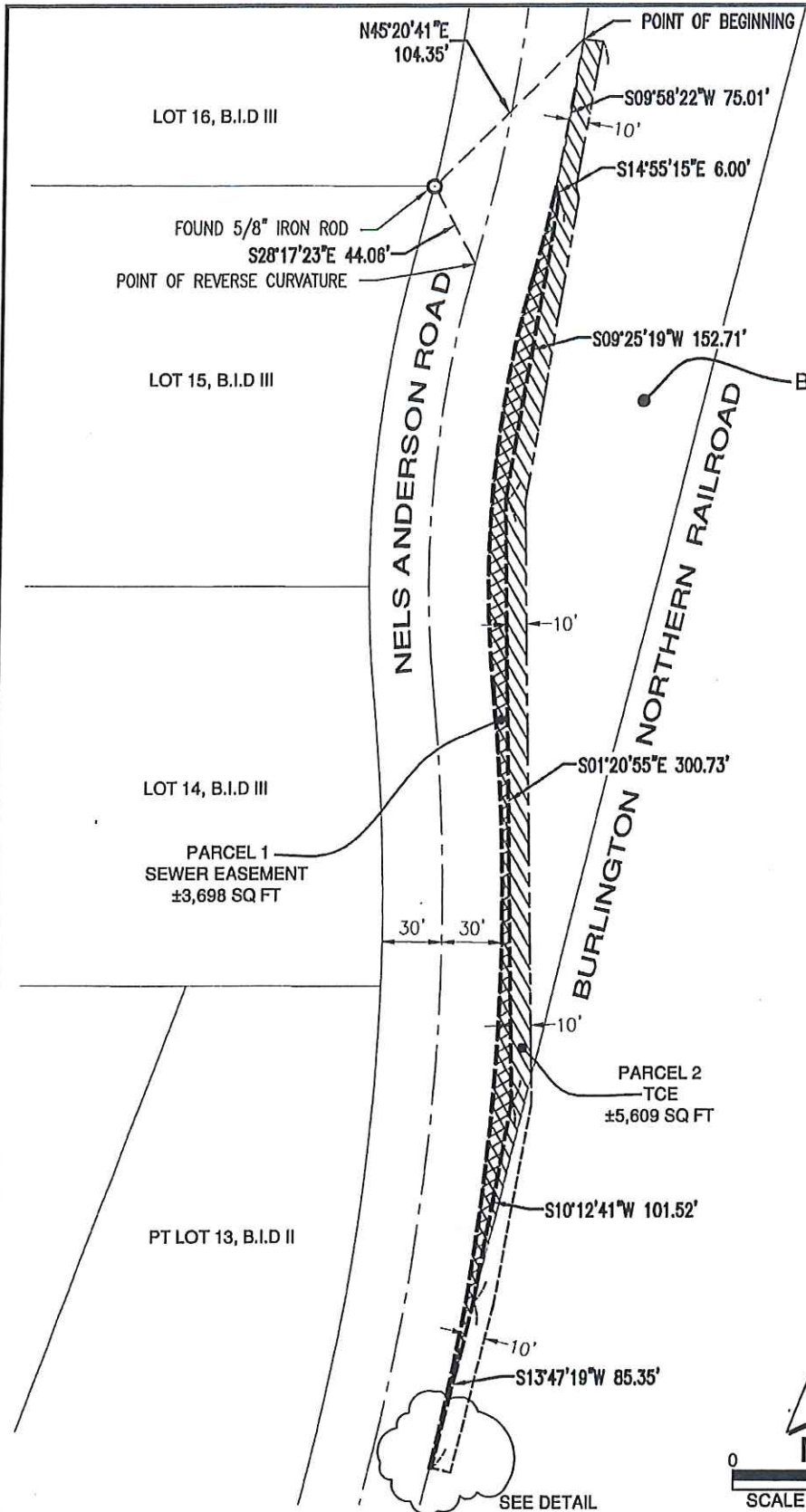
This parcel of land contains 5,609 square feet, more or less.

Bearings are based on the Central Oregon Coordinate System.

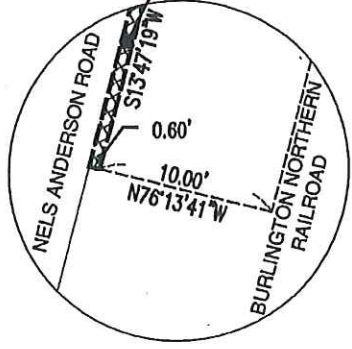






REGISTERED  
**PROFESSIONAL  
 LAND SURVEYOR**  
**DRAFT**  
 OREGON  
 JAN. 21, 2009  
**ANDREW N. HUSTON**  
 #61407  
 EXPIRES: 6/30/2015

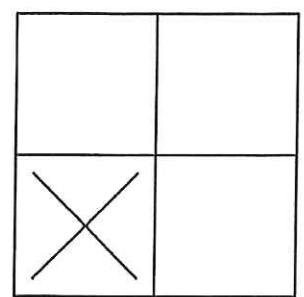
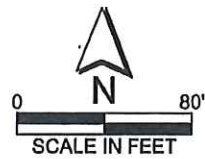


LOT 1, B.I.D III  
 BAILY, ARTHUR D. TRUSTEE ET AL  
 BOOK 253, PAGE 1256  
 1.22 ACRES



DETAIL  
 1" = 10'

 TEMPORARY CONSTRUCTION EASEMENT (TCE)  
 PERMANENT SEWER EASEMENT



SEC 16, T 17 S, R 12 E

**Parametrix**  
 ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES  
 595 SW BLUFF DRIVE, SUITE B | BEND, OR 97702  
 P 541.508.7710 WWW.PARAMETRIX.COM  
 DATE: April 29, 2015 FILE: 01395W-V-EA00

**TEMPORARY CONSTRUCTION EASEMENT**  
**EXHIBIT 'B' - BAILY, ARTHUR D. TRUSTEE ET AL**  
**TAX LOT 115 BOOK 253 PAGE 1256**  
**CITY OF BEND, DESCHUTES COUNTY, OREGON**





01395 W-V-EA00 CVSC EXH

**Exhibit 'A'**

**Parcel 1 – Permanent Sewer Easement**

A Parcel of land lying in the Southwest One-Quarter (SW1/4) of Section 16, Township 17 South, Range 12 East, W.M., City of Bend, Deschutes County, Oregon and being a portion of that property described in that Warranty Deed to CVSC, LLC, a Delaware limited liability company, recorded May 31, 2007 in Instrument No. 2007-30758 of Deschutes County Official Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Westerly side of the Bend Parkway, which center line is described as follows:

Beginning at Engineer's center line Station 100+00.00, said point being a point of tangent; thence South 24°50'37" West 1291.93 feet to Engineer's center line Station 112+91.93; thence on a spiral curve left (the long chord of which bears South 20°02'46" West 598.35 feet) 600.00 feet to Engineer's center line Station 118+91.93.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Westerly Side of Center Line
112+74.59		112+90.73	50.00 in a straight line to 72.15
112+90.73		113+16.50	72.15 in a straight line to 73.81
113+16.50		113+36.45	73.81 in a straight line to 70.90
113+36.45		113+78.18	70.90 in a straight line to 71.12
113+78.18		114+84.97	71.12 in a straight line to 58.11
114+84.97		114+85.14	58.11 in a straight line to 51.70

This parcel of land contains 3,576 square feet, more or less, outside of the existing right of way.

Bearings are based on a Map of Survey of the Bend Parkway by ODOT, recorded as CS14588, Deschutes County Surveyor's Records.

TEMPORARY CONSTRUCTION EASEMENT (TCE)

PERMANENT SEWER EASEMENT

STA 112+48.92, 90.00'RT

STA 112+90.73, 72.15'RT

STA 113+16.50, 73.81'RT

STA 113+36.45, 70.90'RT

STA 113+78.18, 71.12'RT

STA 114+84.12, 91.68'RT

STA 114+84.97, 58.11'RT

STA 114+85.14, 51.70'RT

STA 112+74.59, 50.00'RT

STA 112+91.65, STA 112+58.27, 50.00'LT

FOUND 5/8" IRON ROD  
112+91.93, 50.00 LT

PARCEL 1  
SEWER EASEMENT  
#9,576 SQ FT

FOUND 5/8" IRON ROD  
115+24.97, 56.85 LT

US HIGHWAY 97  
THE DALLES - CALIFORNIA HWY

BEND PARKWAY  
CENTERLINE

TAX LOT 300  
CVSC, LLC  
INST. NO. 2007-30758  
32.76 ACRES

PARCEL 2  
TCE  
#5,926 SQ FT

PT LOT 25  
NORWOOD SECTION NO. 2

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

**DRAFT**

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

EXPIRES: 6/30/2015

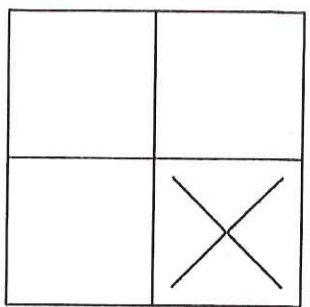


0 60'  
SCALE IN FEET

**Parametrix**  
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P 541.508.7710  
WWW.PARAMETRIX.COM

DATE: April 29, 2015  
FILE: 01395W-V-EA00  
CITY OF BEND, DESCHUTES COUNTY, OREGON

**TEMPORARY CONSTRUCTION EASEMENT**  
EXHIBIT 'B' - CVSC, LLC  
TAX LOT 300 INST. NO. 2007-30758



SEC 16, T 17 S, R 12 E

01395W-V-EA00 EXH

**Parametrix**

ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

Easement 4

595 SW BLUFF DRIVE, SUITE B | BEND, OR 97702 | P 541.508.7710

### Exhibit 'A'

#### Parcel 1 – Permanent Sewer Easement

A Parcel of land lying in the Southwest One-Quarter (SW1/4) of Section 16, Township 17 South, Range 12 East, W.M., City of Bend, Deschutes County, Oregon and being a portion of that property described in that Warranty Deed to Arthur D. Bailey and Sofia Sunny Bailey, Trustees of the Bailey Family Trust, recorded December 30, 1991 in Book 253, Page 1256, Deschutes County Official Records; the said parcel being that portion of said property lying 10 feet parallel to and Westerly of the following described center line:

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Thence South  $09^{\circ}58'22''$  West, a distance of 75.01 feet;

Thence South  $14^{\circ}55'15''$  East, a distance of 6.00 feet;

Thence South  $09^{\circ}25'19''$  West, a distance of 152.71 feet;

Thence South  $01^{\circ}20'55''$  East, a distance of 300.73 feet;

Thence South  $10^{\circ}12'41''$  West, a distance of 101.52 feet;

Thence South  $13^{\circ}47'19''$  West, a distance of 85.35 feet and terminus of said center line description;

EXCEPTING THEREFROM: The Burlington Northern Railroad right-of-way and Nels Anderson Road right-of-way.

This parcel of land contains 3,698 square feet, more or less.

Bearings are based on the Central Oregon Coordinate System.



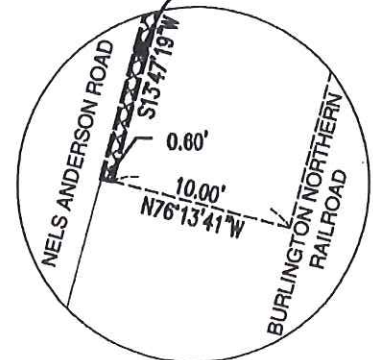
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PROFESSIONAL  
LAND SURVEYOR

**DRAFT**

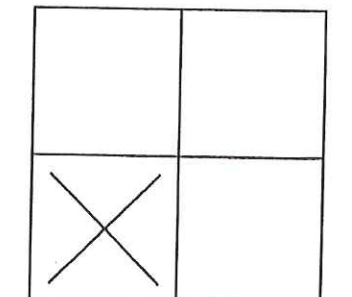
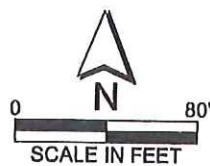
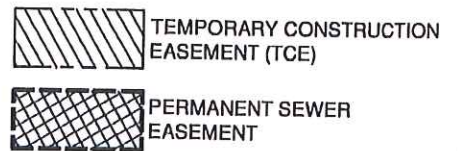
OREGON  
JAN. 21, 2009  
**ANDREW N. HUSTON**  
#61407

EXPIRES: 6/30/2015

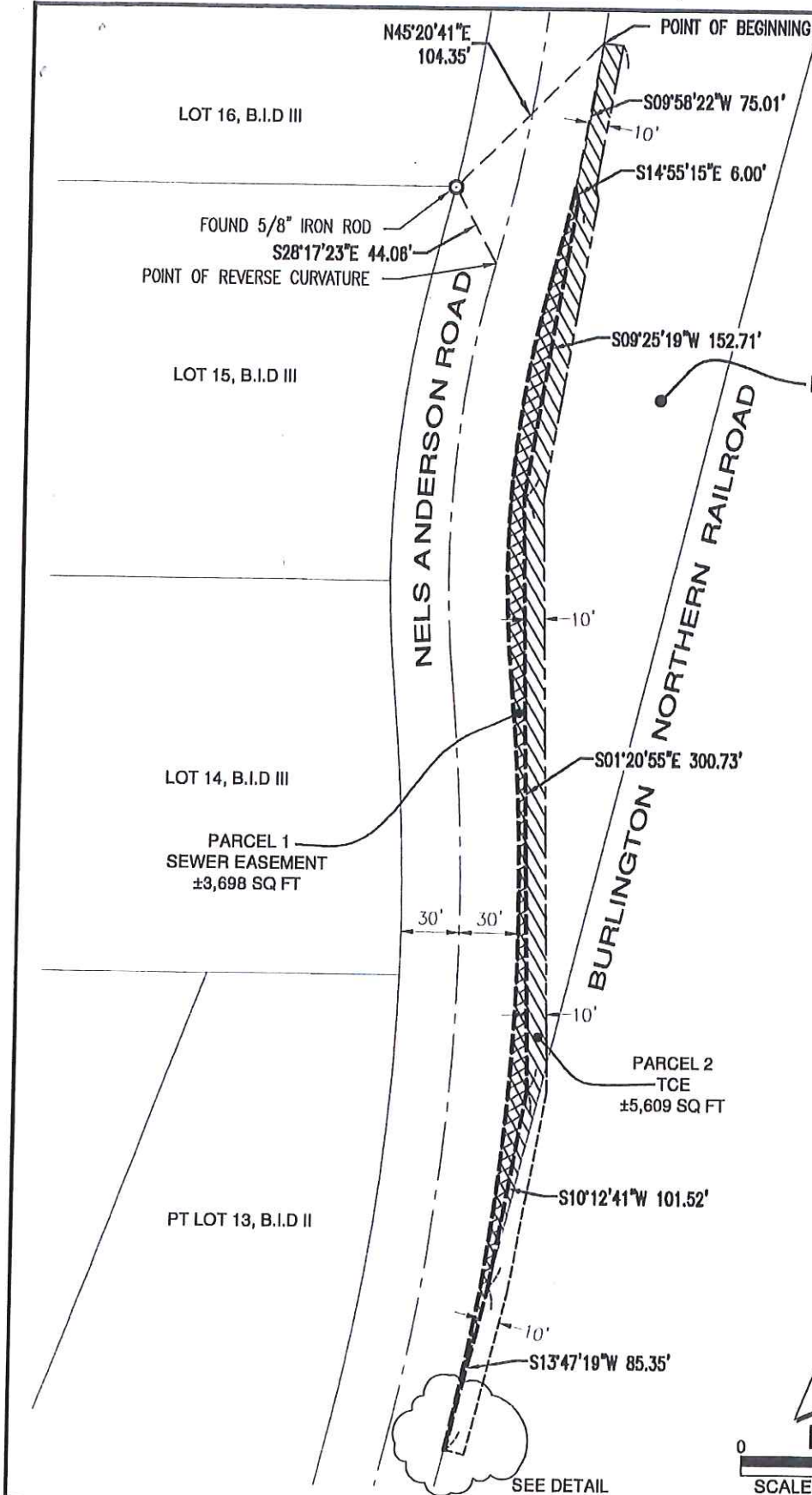
LOT 1, B.I.D III  
BAILY, ARTHUR D. TRUSTEE ET AL  
BOOK 253, PAGE 1256  
1.22 ACRES



DETAIL  
1" = 10'



SEC 16, T 17 S, R 12 E



**Parametrix**  
ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES  
595 SW BLUFF DRIVE, SUITE B | BEND, OR 97702  
P 541.508.7710 WWW.PARAMETRIX.COM  
DATE: April 29 2015 FILE: 01395W-V-EA00

**TEMPORARY CONSTRUCTION EASEMENT**  
**EXHIBIT 'B' - BAILY, ARTHUR D. TRUSTEE ET AL**  
**TAX LOT 115 BOOK 253 PAGE 1256**  
**CITY OF BEND, DESCHUTES COUNTY, OREGON**



01395 W-V-EA00 THOMAS ACQ EXT

**Exhibit 'A'**

**Parcel 1 – Permanent Sewer Easement**

A Parcel of land lying in the Southwest One-Quarter (SW1/4) of Section 16, Township 17 South, Range 12 East, W.M., City of Bend, Deschutes County, Oregon and being a portion of that property described in that Statutory Warranty Deed to Thomas Acquisitions, LLC, an Oregon limited liability company, recorded September 3, 2003 in Instrument No. 2003-60973 of Deschutes County Official Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Easterly side of the Bend Parkway, which center line is described as follows:

Beginning at Engineer's center line Station 100+00.00, said point being a point of tangent; thence South 24°50'37" West 1291.93 feet to Engineer's center line Station 112+91.93; thence on a spiral curve left (the long chord of which bears South 20°02'46" West 598.35 feet) 600.00 feet to Engineer's center line Station 118+91.93.

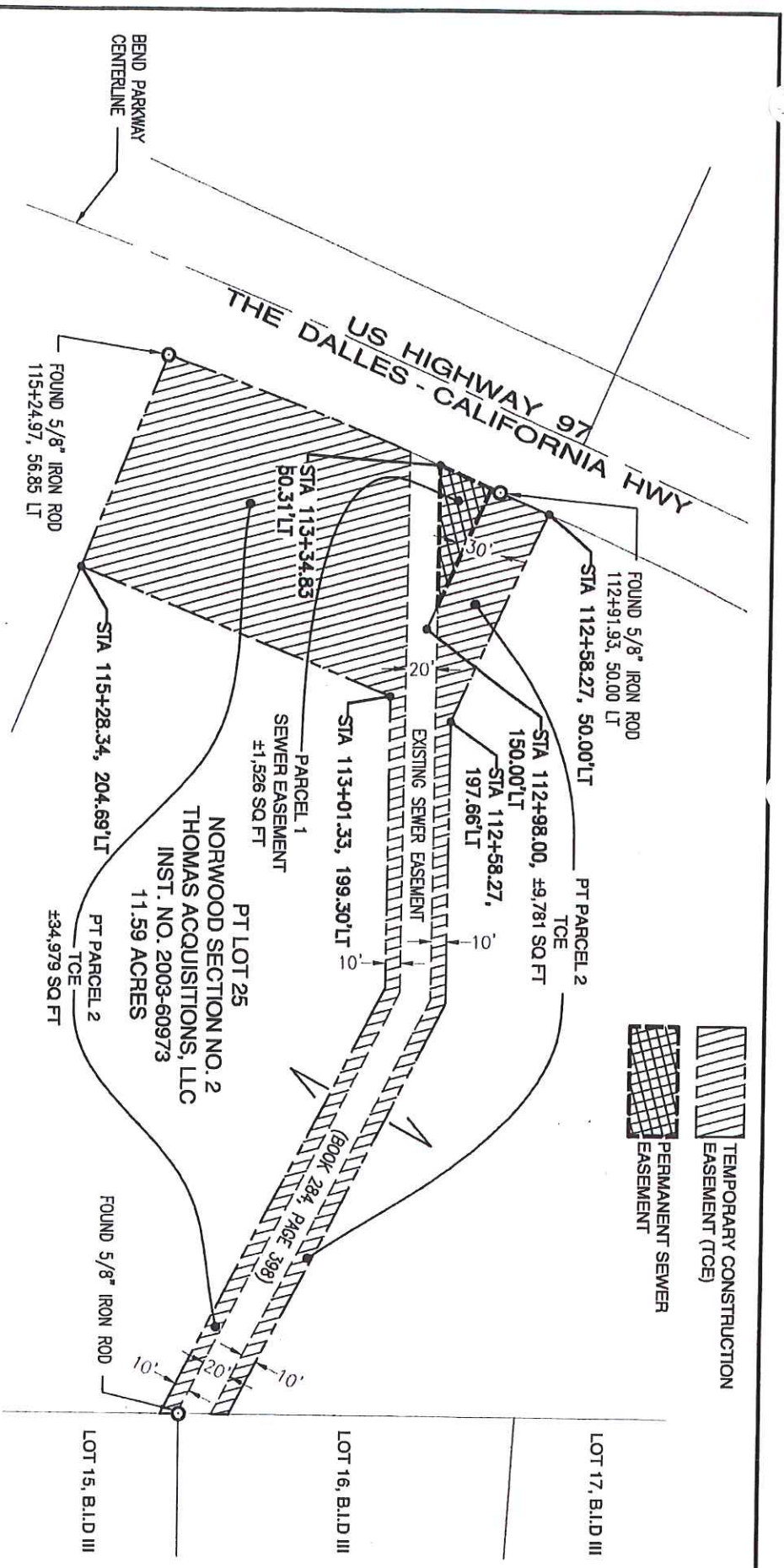
The width in feet of said strip of land is as follows:

Station	to	Station	Width on Westerly Side of Center Line
112+98.00		113+34.83	90.00 in a straight line to 50.31

Said strip is bound on the West by the Easterly right-of-way of said Bend Parkway and on the South by an existing 20 foot permanent sewer easement as described in Book 284, Page 398, recorded December 1, 1992, Deschutes County Official Records.

This parcel of land contains 1,526 square feet, more or less, outside of the existing right of way.

Bearings are based on a Map of Survey of the Bend Parkway by ODOT, recorded as CS14588, Deschutes County Surveyor's Records.



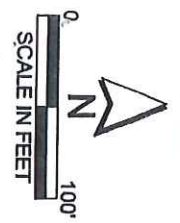
-  TEMPORARY CONSTRUCTION EASEMENT (TCE)
-  PERMANENT SEWER EASEMENT

**DRAFT**

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

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

EXPIRES: 6/30/2015



**Parametrix**  
ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES

595 SW BLUFF DRIVE, SUITE B | BEND, OR 97702  
P 541.508.7710  
WWW.PARAMETRIX.COM

DATE: April 29, 2015  
FILE: 01396W-V-EA00

**TEMPORARY CONSTRUCTION EASEMENT**  
EXHIBIT 'B' - THOMAS ACQUISITIONS, LLC  
TAX LOT 500 INST. NO. 2003-60973  
CITY OF BEND, DESCHUTES COUNTY, OREGON

SEC 16, T 17 S, R 12 E

X	

**Exhibit 'A'**

**Parcel 1 - Temporary Construction Easement**

The northerly 50.00 feet, being 50.00 southwesterly and parallel to the southerly right-of-way of *Butler Market Road*, of Parcel 1, Partition Plat No. 2005-6, recorded January 24, 2005 in Partitions Cabinet 3, Page 75, Deschutes County Official Records.

This parcel of land contains 17,674 square feet, more or less, outside of the existing right of way.

Subject to any easements, restrictions, and rights-of-way of record and those common and apparent on the land.

Bearings are based on the Central Oregon Coordinate System.

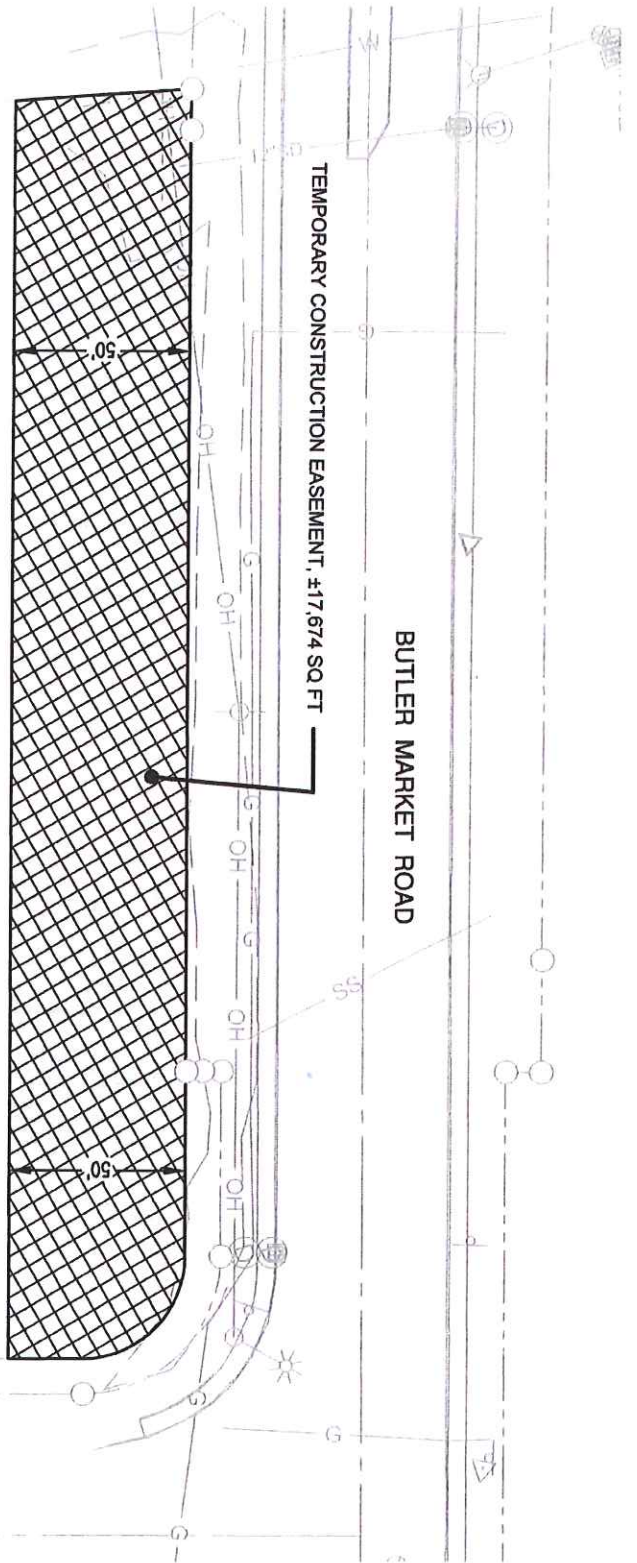
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



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

EXPIRES: 06302017





BUTLER MARKET ROAD

TEMPORARY CONSTRUCTION EASEMENT, #17,674 SQ. FT.

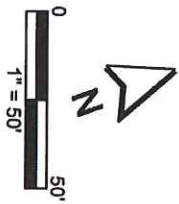
WOODSIDE DEVELOPMENT, LLC  
 171228B000700  
 PARCEL 1  
 PARTITION PLAT 2005-06

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
 OREGON  
 JAN. 21, 2009  
 ANDREW N. HUSTON  
 #61407  
 EXPIRES: 6/30/2017

PARCEL 1

PP 2005-06

PARCEL 2



4TH STREET


SEC 28, T17S, R12E, WM

CITY OF BEND – NORTH FORCE MAIN  
**TEMPORARY CONSTRUCTION EASEMENT**

EXHIBIT 'B' - WOODSIDE DEVELOPMENT, LLC  
 TAX LOT 171228B000700  
 CITY OF BEND, DESCHUTES COUNTY, OREGON

**Parametrix**

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 P 541.508.7710  
 WWW.PARAMETRIX.COM

DRAWING NO.  
 1 OF 1

DWG NAME  
 01395W-VX-EA00

DATE  
 2/26/2016