

## RESOLUTION NO. 3025

### **A RESOLUTION DECLARING PROPERTY SURPLUS AND AUTHORIZING THE SALE OF REAL PROPERTY USED AS PART OF THE CITY'S WATER SYSTEM IN THE FORMER JUNIPER UTILITY AREA BY DIRECT NEGOTIATION WITH PRIVATE WATER COMPANIES**

#### Recitals

A. The City of Bend acquired the former Juniper Utility by condemnation. Through the condemnation process, the City acquired facilities and real property as part of a water distribution system. The water system acquired by condemnation includes both a system for distributing domestic water and a separate system for distributing irrigation water. The City does not provide irrigation water service in any other portion of the City and the provision of irrigation water is not an essential urban service in a desert environment.

B. By agreement with various homeowners associations in the former Juniper Utility area, the City committed to provide irrigation water services for a period of time, but has the right to terminate irrigation water services. The City started the process to terminate irrigation water service, but received an offer from Avion Water Company, Inc. and Roats Water System, Inc. to take over the portion of the City water system in the former Juniper Utility area. Avion and Roats would continue to provide irrigation water services. The homeowners associations in the area have indicated that their members wish to continue to receive separate utility water service.

C. The City is willing to transfer a portion of the City water system in the former Juniper Utility area to Avion and Roats. The portion to be transferred is that part of the City's water system that provides service to the Nottingham Square, Tillicum, Timber Ridge and Mountain High areas. The assets of the water system in that area include real property where water utility facilities are located. The transfer of that portion of the City water will isolate Stonegate PUD Phases 1 and 3 and the Blue Ridge subdivision from the rest of the City system, therefore the City water system serving the Stonegate and Blue Ridge areas is also proposed as part of the transfer. The water service area proposed to be transferred is shown in the attached Exhibit A as "Divestiture" areas.

D. On April 1, 2016, the City published in the Bend Bulletin notice of a public hearing to be held on April 6, 2016 regarding the proposal to declare the real property surplus and regarding this resolution authorizing the sale by direct negotiation with Roats and Avion. The City Council held a public hearing on April 6, 2016 as noticed.

Based on these findings, THE CITY COUNCIL OF THE CITY OF BEND RESOLVES AS FOLLOWS:

1. The real property described in the attached Exhibit B (the Property) is declared to be surplus. Declaring the Property surplus and selling the Property as part of the transfer of a portion of the City's water utility is in the public interest because it will allow citizens to continue to receive a service that they want and because it will end the City's obligation to provide irrigation water service and will allow the City to divest itself of an area of its water system that does not meet City standards and which would require substantial capital investment to be brought to City standards.

2. As authorized by BC 1.50.140J and ORS 221.727, the City adopts the following alternative procedure for the sale of surplus real property: The City may sell real property when the procedure is part of the transfer of its water distribution system in a portion of the former Juniper Utility area and in the Stonegate PUD and Blue Ridge subdivision areas by direct negotiation and agreement with private water utility companies who have water distribution territories adjacent to the portion of the water distribution facilities that are being transferred and who agree to provide water service in the transferred areas.

3. This resolution is effective immediately upon passage.

Adopted by roll call vote of the Bend City Council on April 6, 2016.

YES: Jim Clinton, Mayor  
Doug Knight  
Victor Chudowsky  
Sally Russell  
Nathan Boddie  
Barb Campbell

NO: None

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

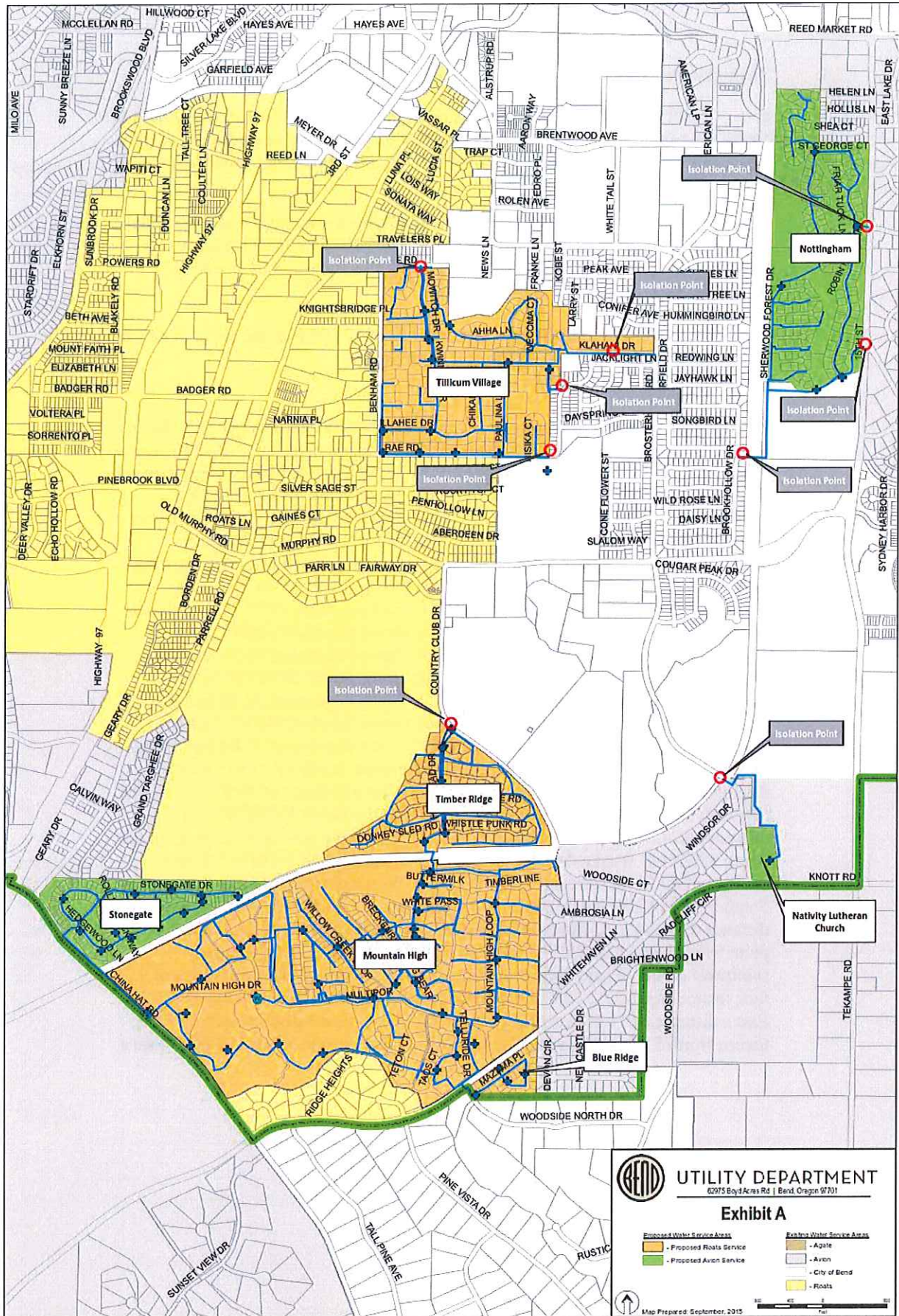
ATTEST:

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

Approved as to form:

  
\_\_\_\_\_  
Mary Winters, City Attorney

# EXHIBIT A



## EXHIBIT B

### (Hole 10 Facility)

1. The following described land:

a. A parcel of land containing 3.64 acres, more or less, located in a portion of the Northeast One-quarter (NE 1/4) of Section 20, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Beginning at a point on the southerly 40.00 foot right-of-way line of Mountain High Drive which bears South 63°07'43" East a distance of 3153.24 feet from the northwest corner of said Section 20; thence along said right-of-way line the following one (1) curve and one (1) course:

79.94 feet along a curve to the right with a radius of 323.05 feet, the chord of which bears South 80°50'04" East a distance of 79.73 feet;  
South 73°44'44" East a distance of 125.69 feet;

Thence leaving said right-of-way line South 21°47'00" West a distance of 72.84 feet; thence South 53°57'49" West a distance of 48.56 feet; thence South 31°30'45" East a distance of 14.44 feet; thence South 20°32'13" East a distance of 90.92 feet; thence South 37°16'13" East a distance of 65.17 feet; thence South 49°17'25" East a distance of 27.04 feet; thence South 35°22'40" East a distance of 57.89 feet; thence South 16°23'07" East a distance of 38.22 feet; thence South 23°10'26" East a distance of 71.13 feet; thence South 03°50'40" West a distance of 46.63 feet; thence South 15°22'21" East a distance of 43.22 feet; thence South 43°03'59" East a distance of 34.18 feet; thence South 63°14'51" East a distance of 17.24 feet; thence South 31°43'46" East a distance of 94.56 feet; thence South 33°12'08" East a distance of 51.51 feet; thence South 39°04'24" East a distance of 31.77 feet; thence South 46°16'22" East a distance of 87.43 feet; thence South 22°45'11" East a distance of 49.71 feet; thence South 22°29'20" East a distance of 32.73 feet; thence South 83°01'07" East a distance of 12.40 feet; thence South 42°46'13" East a distance of 22.94 feet; thence South 03°50'18" East a distance of 22.80 feet; thence South 21°08'16" West a distance of 21.10 feet; thence South 44°11'53" West a distance of 44.01 feet; thence South 47°47'31" West a distance of 31.97 feet; thence South 30°25'45" West a distance of 26.07 feet; thence South 33°05'30" East a distance of 21.54 feet; thence South 12°53'32" West a distance of 37.27 feet; thence South 55°24'54" West a distance of 33.24 feet; thence South 26°44'31" West a distance of 22.51 feet; thence South 43°30'47" West a distance of 30.81 feet; thence South 52°45'02" West a distance of 15.61 feet; thence South 68°34'05" West a distance of 16.54 feet; thence South 43°50'03" West a distance of 21.82 feet to a point which bears North 50°42'07" East a distance of 4273.30 feet from the southwest corner of said Section 20; thence North 69°45'19" West a distance of 9.31 feet; thence North 23°52'03" West a distance of 21.09 feet; thence North 57°28'15" East a distance of 11.05 feet; thence North 65°06'54" East a distance of 11.36 feet; thence North 71°21'44" East a distance of 14.14 feet; thence North 41°26'05" East a

distance of 15.70 feet; thence North 20°12'25" East a distance of 25.06 feet; thence North 49°18'22" East a distance of 29.35 feet; thence North 55°24'54" East a distance of 27.21 feet; thence North 12°53'32" East a distance of 16.94 feet; thence North 33°05'30" West a distance of 26.41 feet; thence North 30°25'45" East a distance of 45.37 feet; thence North 47°47'31" East a distance of 34.50 feet; thence North 22°28'17" East a distance of 40.25 feet; thence North 68°03'30" East a distance of 16.11 feet; thence North 03°50'18" West a distance of 2.63 feet; thence North 42°46'13" West a distance of 4.95 feet; thence North 83°01'07" West a distance of 7.67 feet; thence North 49°25'34" West a distance of 52.59 feet; thence North 22°45'11" West a distance of 52.24 feet; thence North 60°07'54" West a distance of 71.36 feet; thence North 34°15'39" West a distance of 47.22 feet; thence North 33°12'08" West a distance of 52.60 feet; thence North 41°06'34" West a distance of 92.19 feet; thence North 07°17'08" West a distance of 7.86 feet; thence North 18°59'19" West a distance of 48.13 feet; thence North 59°19'52" West a distance of 72.01 feet; thence North 19°39'42" West a distance of 58.76 feet; thence North 01°56'58" West a distance of 35.77 feet; thence North 71°53'38" West a distance of 41.49 feet; thence South 88°23'00" West a distance of 40.23 feet; thence South 59°26'26" West a distance of 68.00 feet; thence North 68°52'38" West a distance of 110.40 feet; thence North 24°12'41" West a distance of 16.12 feet; thence North 14°27'38" West a distance of 19.18 feet; thence North 35°26'13" West a distance of 19.76 feet; thence North 47°30'05" West a distance of 5.39 feet; thence North 05°11'03" East a distance of 20.44 feet; thence North 28°59'40" West a distance of 39.49 feet; thence North 31°27'25" West a distance of 9.60 feet; thence North 40°56'49" West a distance of 35.46 feet; thence North 01°54'29" East a distance of 18.31 feet; thence North 02°06'11" West a distance of 26.37 feet; thence North 01°49'32" West a distance of 43.42 feet; thence North 01°32'27" West a distance of 53.47 feet; thence North 37°01'22" East a distance of 52.94 feet; thence North 58°48'00" East a distance of 70.60 feet; thence South 88°20'39" East a distance of 20.42 feet; thence North 04°12'43" East a distance of 59.26 feet; to the point of beginning, the terminus of this description.

# HOLE #10 LAND AND FACILITIES

