

**RESOLUTION 3115**  
**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 May 16, 2018.

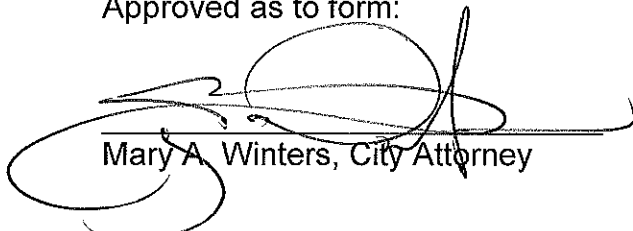
YES: Casey Roats, Mayor      NO: none  
Sally Russell  
Bruce Abernethy  
Bill Moseley  
Nathan Boddie  
Justin Livingston

  
\_\_\_\_\_  
Casey Roats, Mayor

Attest:

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

Approved as to form:

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

# Attachment A

## RESOLUTION EXERCISING THE POWER OF EMINENT DOMAIN

Citywide Safety Improvements (1TCSI)

### Enclosed:

Legal descriptions and exhibits for right of way and easements to be acquired at:

Property	Page
755 NE 3 <sup>rd</sup> Street	2
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## **755 NE 3<sup>rd</sup> Street**

**Property Owner:** Peter Caine Trust

**Tenant / Business On-Site:** PeopleReady

Reason for right of way and easements to be acquired:

Construction of curb ramps, sidewalk, and beacon placement for proposed safety crossing of 3<sup>rd</sup> Street at Hawthorne Avenue.

## 755 NE 3<sup>rd</sup> Street Right of Way

### EXHIBIT A

A parcel of land containing 217 square feet, more or less, lying in Lot 6, Block 11, Center Addition, City of Bend, Deschutes County Oregon, being a portion of that property described in Warranty Deed to Peter R. Caine, Trustee of the Peter Caine Trust, U/T/D May 11, 1995, recorded December 23, 1996, in Volume 433, Page 692, Deschutes County Records, located in the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section 33, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

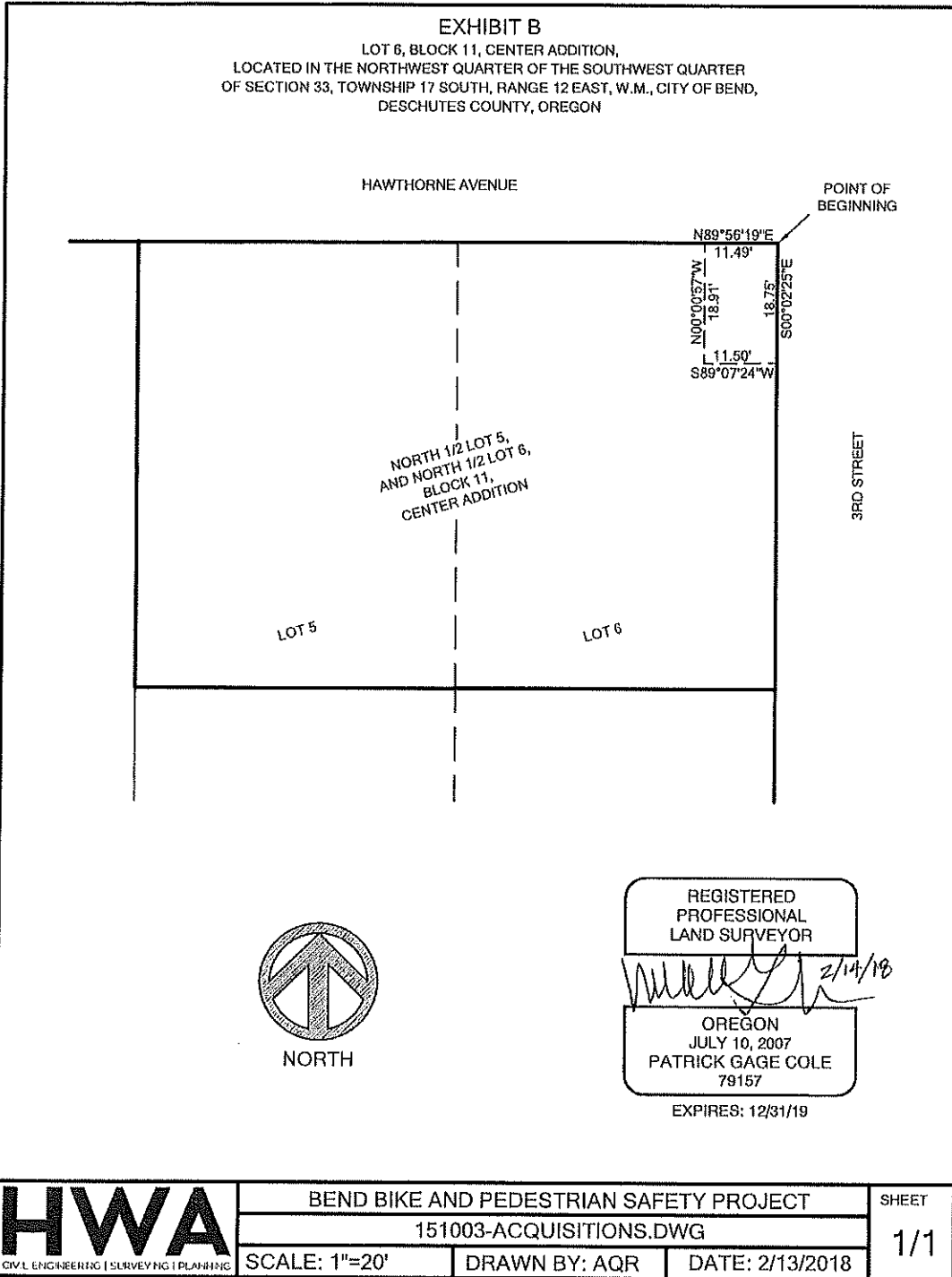
**Beginning** at the northeast corner of said Lot 6; thence along the easterly boundary of said Lot 6, South 00°02'25" East a distance of 18.75 feet; thence leaving said easterly boundary, South 89°07'24" West a distance of 11.50 feet; thence North 00°00'57" West a distance of 18.91 feet to the northerly boundary of said Lot 6; thence along said northerly boundary, North 89°56'19" East a distance of 11.49 feet to the Point of Beginning, the terminus of this description.

See attached map titled "EXHIBIT B", hereby incorporated by reference.



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755 NE 3<sup>rd</sup> Street Right of Way



## 755 NE 3<sup>rd</sup> Street Temporary Construction Easement

### EXHIBIT A

A parcel of land lying in Lot 6, Block 11, Center Addition, City of Bend, Deschutes County Oregon, being a portion of that property described in Warranty Deed to Peter R. Caine, Trustee of the Peter Caine Trust, U/T/D May 11, 1995, recorded December 23, 1996, in Volume 433, Page 692, Deschutes County Records, located in the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section 33, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

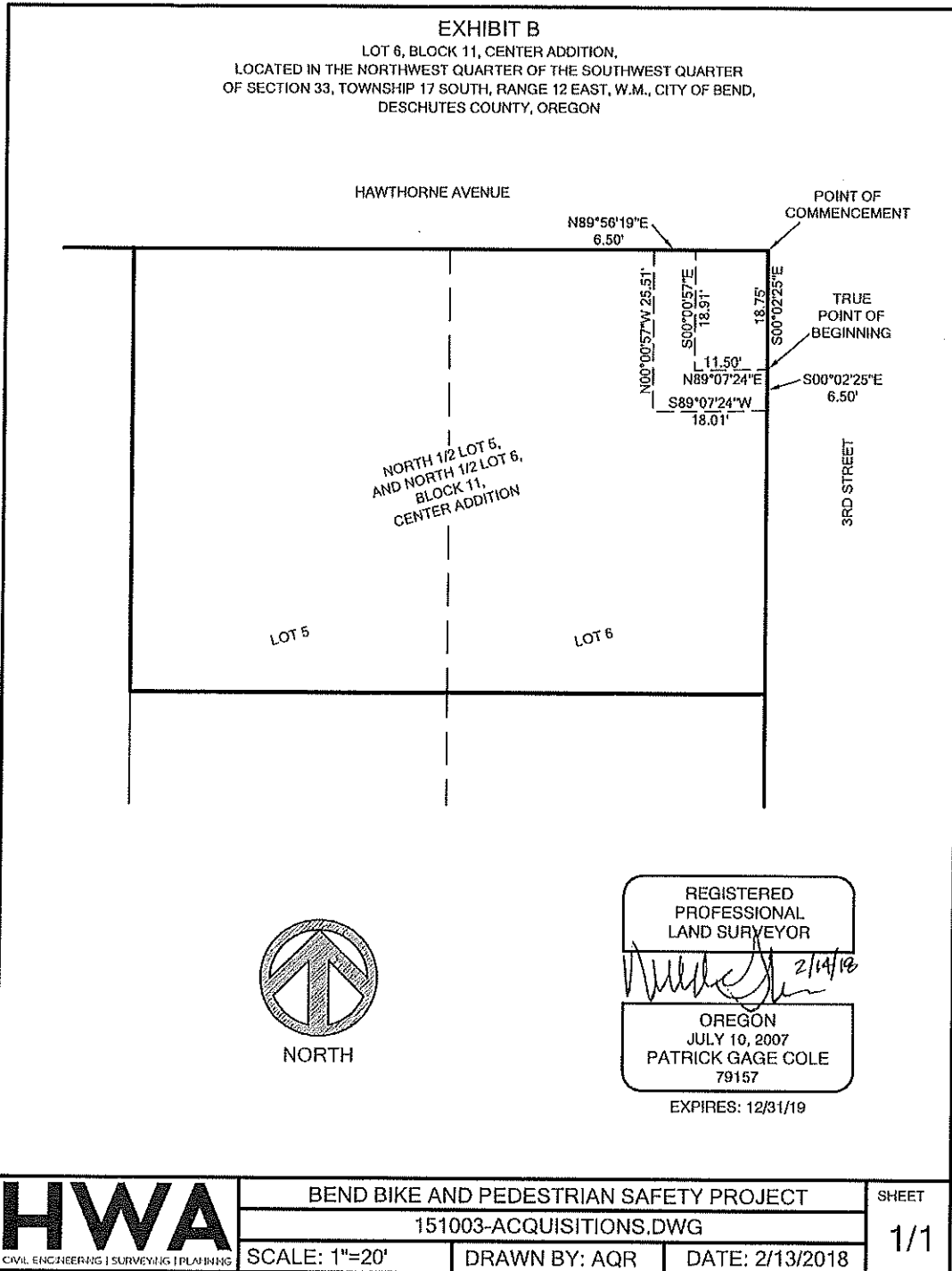
Commencing at the northeast corner of said Lot 6; thence along the easterly boundary of said Lot 6, South 00°02'25" East a distance of 18.75 feet to the **True Point of Beginning**; thence continuing along said easterly boundary, South 00°02'25" East a distance of 6.50 feet; thence leaving said easterly boundary, South 89°07'24" West a distance of 18.01 feet; thence North 00°00'57" West a distance of 25.51 feet to the northerly boundary of said Lot 6; thence along said northerly boundary, North 89°56'19" East a distance of 6.50 feet; thence leaving said northerly boundary, South 00°00'57" East a distance of 18.91 feet; thence North 89°07'24" East a distance of 11.50 feet to the True Point of Beginning, the terminus of this description.

See attached map titled "EXHIBIT B", hereby incorporated by reference.



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755 NE 3<sup>rd</sup> Street Temporary Construction Easement





# 301 NE Franklin Avenue

**Property Owner:** JHEM Franklin LLC

**Tenant / Business On-Site:** Central Oregon Audiology

Reason for right of way and easements to be acquired:

Construction of curb ramp, sidewalk, driveways and future replacement of existing traffic signal at 3<sup>rd</sup> Street and Franklin Avenue.

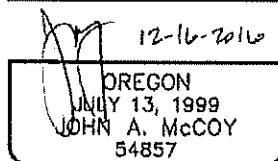
## 301 NE Franklin Avenue Right of Way

### EXHIBIT A

A parcel of land containing 57 square feet, more or less, lying in Lot 1, Block 24, Center Addition, City of Bend, Deschutes County Oregon, being a portion of that property described in that deed to JHEM Franklin LLC, recorded February 23, 2012, in Volume 2012, Page 6150, Deschutes County Records, located in the Northwest One-Quarter of the Southwest One-Quarter (NW1/4 SW1/4) of Section 33, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

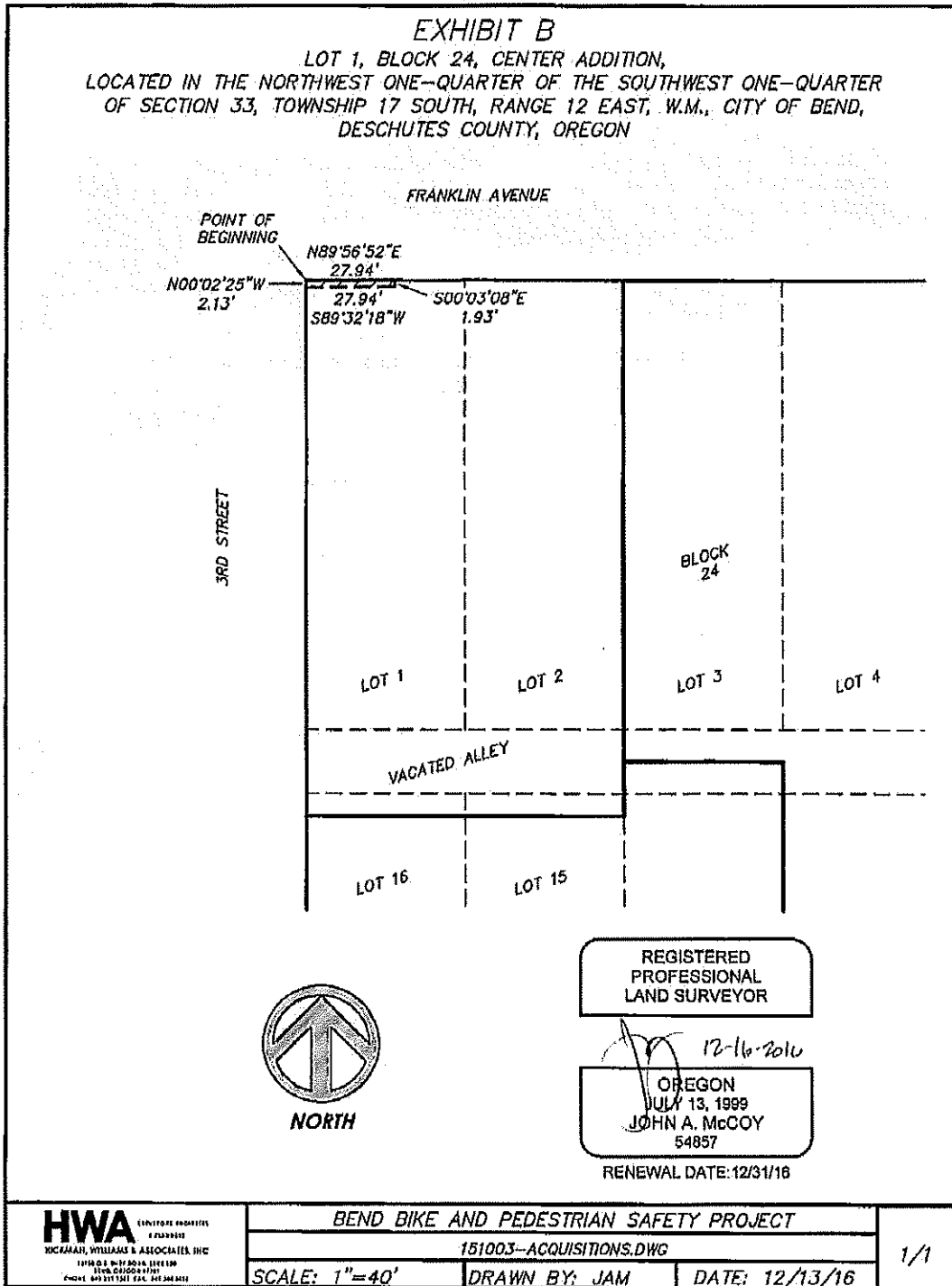
Beginning at the northwest corner of said Lot 1, Block 24; thence North  $89^{\circ}56'52''$  East along the north boundary of said Block 24, a distance of 27.94 feet; thence leaving said boundary, South  $00^{\circ}03'08''$  East a distance of 1.93 feet; thence South  $89^{\circ}32'18''$  West a distance of 27.94 feet to the west boundary of said Block 24; thence North  $00^{\circ}02'25''$  West along said west boundary, a distance of 2.13 feet to the **Point of Beginning**, the terminus of this description.

See attached map titled "EXHIBIT B", hereby incorporated by reference.



RENEWAL DATE: 12/31/16

301 NE Franklin Avenue Right of Way



**HWA** ENGINEERS ARCHITECTS  
 20020010  
 HOKKARAIN, WILLIAMS & ASSOCIATES, INC.  
 12100 N.E. 10TH AVENUE, SUITE 100  
 BEND, OREGON 97701  
 PHONE: 503.331.1511 FAX: 503.331.2422

BEND BIKE AND PEDESTRIAN SAFETY PROJECT

151003--ACQUISITIONS.DWG

SCALE: 1"=40'

DRAWN BY: JAM

DATE: 12/13/16

1/1

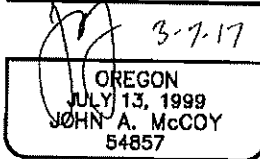
## 301 NE Franklin Avenue Temporary Construction Easement

### EXHIBIT A

A parcel of land containing 645 square feet, more or less, lying in Lot 1 and Lot 16 and the vacated alley, Block 24, Center Addition, City of Bend, Deschutes County Oregon, being a portion of that property described in that deed to JHEM Franklin LLC, recorded February 23, 2012, in Volume 2012, Page 6150, Deschutes County Records, located in the Northwest One-Quarter of the Southwest One-Quarter (NW1/4 SW1/4) of Section 33, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

**Commencing** at the northwest corner of said Lot 1, Block 24; thence South 00°02'25" East along the west boundary of said Block 24, a distance of 38.00 feet to the **True Point of Beginning**; thence leaving said boundary, North 89°57'35" East a distance of 5.00 feet; thence South 00°02'25" East a distance of 129.00 feet to the south boundary of the north 7.00 feet of said Lot 16; thence South 89°57'35" West along said south boundary, a distance of 5.00 feet to the west boundary of said Block 24; thence North 00°02'25" West along said west boundary, a distance of 129.00 feet to the **True Point of Beginning**, the terminus of this description.

See attached map titled "EXHIBIT B", hereby incorporated by reference.

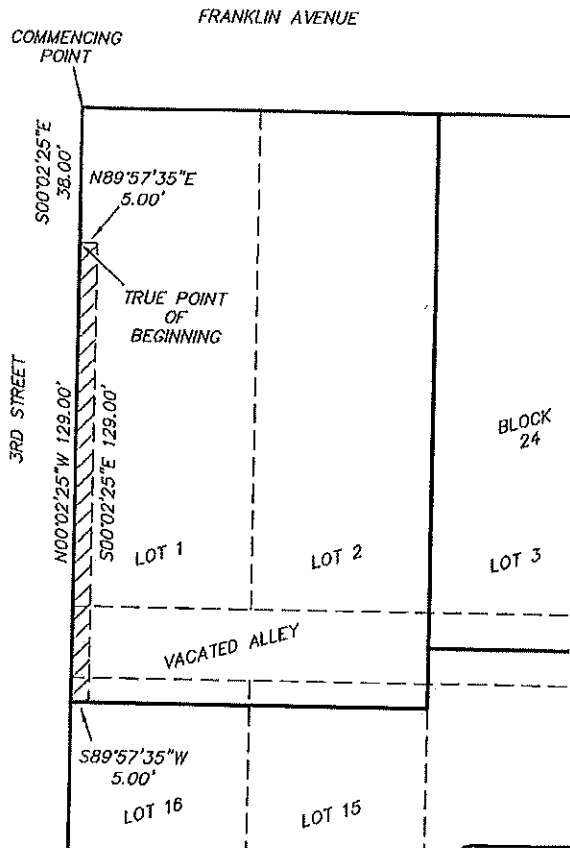


RENEWAL DATE: 12/31/18

301 NE Franklin Avenue Temporary Construction Easement

EXHIBIT B

LOTS 1 AND 16 AND VACATED ALLEY, BLOCK 24, CENTER ADDITION,  
 LOCATED IN THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER  
 OF SECTION 33, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M., CITY OF BEND,  
 DESCHUTES COUNTY, OREGON



NORTH

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

3-7-17  
 OREGON  
 JULY 13, 1999  
 JOHN A. MCCOY  
 54857

RENEWAL DATE: 12/31/18

**HWA** SURVEYING, ENGINEERING  
 & PLANNING  
 HICKMAN, WILKINS & ASSOCIATES, INC.  
 12110 N. BLUE MOUNTAIN LANE  
 SUITE 100, BEND, OREGON 97701  
 PHONE: 541.338.3111 FAX: 541.338.3111

BEND BIKE AND PEDESTRIAN SAFETY PROJECT

151003-ACQUISITIONS.DWG

SCALE: 1"=40'

DRAWN BY: JAM

DATE: 3/7/17

1/1

**1300 S Hwy 97 (aka SE 3<sup>rd</sup> Street) Right of Way**

**1300 S Hwy 97 (aka SE 3<sup>rd</sup> Street)**

**Property Owner:** Jayanti & Soroj Patel

**Tenant / Business On-Site:** Budget Inn

Reason for right of way to be acquired:

Beacon placement for proposed safety crossing of 3<sup>rd</sup> Street at the COID Canal Trail.

## 1300 S Hwy 97 (aka SE 3<sup>rd</sup> Street) Right of Way

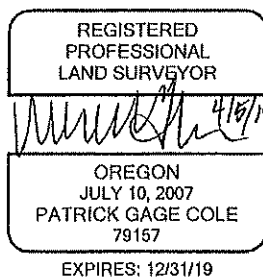
### EXHIBIT A

A parcel of land containing 187 square feet, more or less, lying in a portion of Tract 24, Reed Highway Acreage Section 2, City of Bend, Deschutes County Oregon, being a portion of that property described in Bargain and Sale Deed recorded August 15, 2007, in Instrument No. 2007-44976, Deschutes County Records, located in the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section 8, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Commencing at engineer's centerline equation station 122+94.76 POT Ahead (122+88.81 Back) of South 3<sup>rd</sup> Street (The Dalles-California Highway); thence South 54°05'36" East a distance of 45.00 feet to the easterly right of way line of said South 3<sup>rd</sup> Street; thence along said easterly right of way line, South 35°54'24" West a distance of 189.55 feet to the **True Point of Beginning** of this description; thence leaving said easterly right of way line, South 54°05'36" East a distance of 10.00 feet; thence South 35°54'24" West a distance of 15.88 feet, more or less, to the northerly right of way line of the Central Oregon Irrigation Canal; thence along said northerly right of way line, 11.39 feet along the arc of a non-tangent curve to the right with a radius of 230.00 feet, the chord of which bears North 82°39'34" West a distance of 11.38 feet to the easterly right of way line of said South 3<sup>rd</sup> Street; thence along said easterly right of way line, North 35°54'24" East a distance of 21.32 feet to the True Point of Beginning, the terminus of this description.

Bearing based on the record of survey by Hickman, Williams and Associates, filed in the Deschutes County Surveyor's Office records as CS18732.

See attached map titled "EXHIBIT B", hereby incorporated by reference.



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1300 S Hwy 97 (aka SE 3<sup>rd</sup> Street) Right of Way

