

## RESOLUTION 3170

### 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.
- C. The project known as Subproject 3, the Roundabout at Brosterhous Rd Intersection ("Project"), of the Murphy Corridor Improvements Project (1XMC1), has been planned in accordance with appropriate engineering standards for the construction of transportation infrastructure so that property damage is minimized, transportation promoted and travel safeguarded.
- D. To accomplish this Project, it is necessary to acquire the interests in property described in the Attachment A.

Based on these findings, the City Council of the City of Bend resolves as follows:

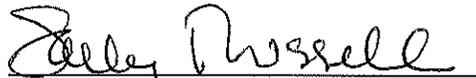
- Section 1. The Council accepts the Findings as facts in support of this Resolution. The properties being acquired are necessary for the construction of the Project and are in the public interest. The Project has been planned, designed, located and will be constructed in a manner which will be most 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 4, 2019.

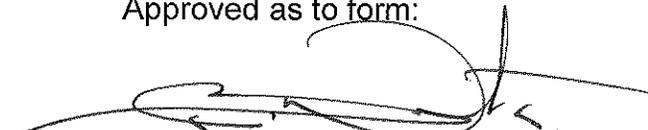
YES: Sally Russell, Mayor      NO: none  
Bruce Abernethy  
Barb Campbell  
Bill Moseley  
Justin Livingston  
Gena Goodman-Campbell  
Chris Piper

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

Attest:

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

Approved as to form:

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

# Attachment A

## RESOLUTION EXERCISING THE POWER OF EMINENT DOMAIN

Murphy Corridor Improvements Project (1XMCI)

### Enclosed:

Legal descriptions and exhibits for temporary and permanent easements to be acquired at:

Property	Page
61095 Brosterhous Road	2
Right of Way Acquisition	3
61103 Brown Trout Place	5
Right of Way Acquisition	6

## **61095 Brosterhous Road**

**Property Owner: Ward, Kim D LLC**



EXHIBIT A

Tax Lot 18121600 0600  
Public Right of Way Dedication

A parcel of land situated in the Southeast one-quarter of the Northwest one-quarter (SE1/4 NW1/4) and the Southwest one-quarter of the Northeast one-quarter (SW1/4NE1/4) of Section 16, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, said parcel being more particularly described as follows:

Commencing at Northeast corner of said Section 16; thence South 62° 54' 55" West, 2897.10 feet to the intersection of the westerly right-of-way line of Brosterhous Road, being 30.00 feet west of centerline, and the southerly right-of-way line of Murphy Road, said point being the Northeast corner of that tract of land described as Parcel 2 in deed to Kim D. Ward LLC as recorded as document number 94-50142, Deschutes County Official Records and the **TRUE POINT OF BEGINNING**; thence along said westerly right-of-way of Brosterhous Road, along the arc of a 2163.66 foot radius curve to the left, through a central angle of 00° 22' 24", an arc distance of 14.10 feet (the chord of which bears South 07° 58' 44" East, 14.10 feet) to a point of non-tangency; thence South 08° 09' 40" East, along said westerly right-of-way, 182.77 feet to the Southeast corner of said Parcel 2; thence leaving said westerly right-of-way line, along the South line of said Parcel 2, South 89° 48' 23" West, 10.10 feet; thence leaving said South line, North 08° 09' 40" West, 61.29 feet; thence North 34° 00' 01" West, 137.96 feet; thence North 85° 55' 13" West, 128.57 feet; thence South 89° 47' 03" West, 457.77 feet to a point on the West line of said Parcel 2; thence North 00° 32' 26" East, along said West line, 10.00 feet to a point on the southerly right-of-way line of Murphy Road; thence North 89° 47' 03" East, along said southerly right-of-way line, 650.75 feet to the Center-North one-sixteenth corner of said Section 16; thence continuing along said southerly right-of-way line, South 89° 57' 02" East, 3.21 feet to the point of beginning.

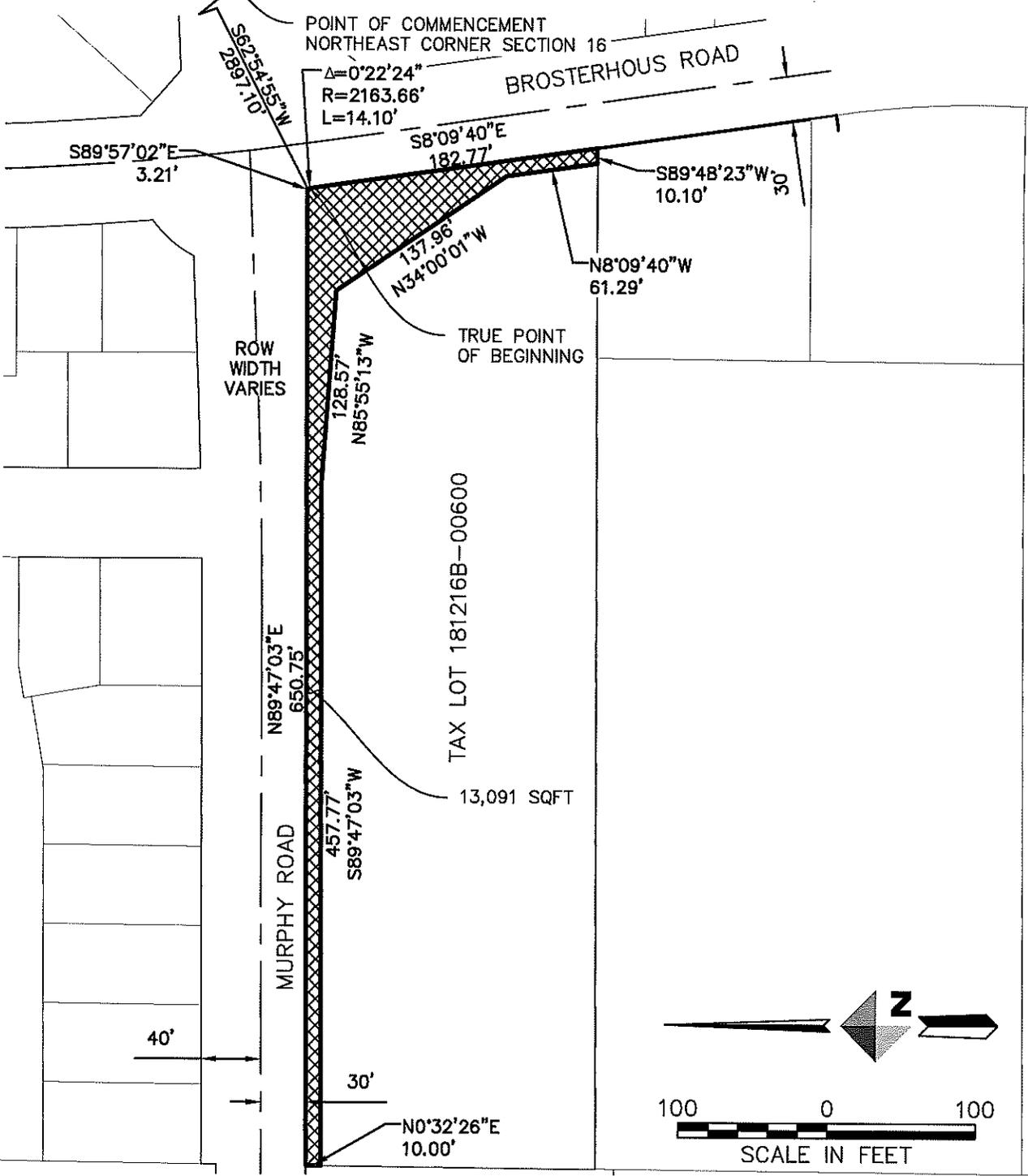
This tract of land contains 13,091 square feet.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 26, 1988  
LYNN J BRUNO  
02335

RENEWAL DATE: 12-31-19

LOCATED IN THE SE 1/4 OF THE NW 1/4 AND THE SW 1/4 OF THE NE 1/4  
SECTION 16, TOWNSHIP 18 SOUTH, RANGE 12 EAST  
WILLAMETTE MERIDIAN,  
CITY OF BEND, DESCHUTES COUNTY, OREGON



BEARINGS BASED ON CENTRAL OREGON COORDINATE SYSTEM (COCS)



**DOWL**

[www.dowl.com](http://www.dowl.com)

963 SW Simpson, #200  
Bend, Oregon 97702  
541-385-4772

MURPHY CORRIDOR IMPROVEMENTS  
RIGHT-OF-WAY ACQUISITION  
61095 BROSTERHOUS ROAD

PROJECT	14184-01
C.O.B. PROJECT	1XMCI
DATE	8/21/2019

EXHIBIT A

**61108 Brown Trout Place**

**Property Owner: Rotarius, Eric**



EXHIBIT A

**Tax Lot 181216BA 04703  
Public Right of Way Dedication**

A parcel of land situated in the Northeast one-quarter of the Northwest one-quarter (NE1/4 NW1/4) of Section 16, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, said parcel being more particularly described as follows:

Beginning at the southeasterly corner of Lot 3 of Meredith Subdivision, said point being on the northerly right-of-way line of Murphy Road, said point being 40.00 feet from the centerline of said Murphy Road; thence along said southerly right-of-way line South 87° 36' 27" West, 6.69 feet; thence leaving said right-of-way line, North 40° 21' 29" East, 44.89 feet to a point of non-tangent curvature on the westerly right-of-way line of Brosterhous Road, said point being 40.00 feet from the centerline of said Brosterhous Road; thence along said westerly right-of-way line, along the arc of a 2173.06 foot radius curve to the left, through a central angle of 00° 11' 09", an arc distance of 7.05 feet (the chord of which bears South 04° 56' 25" East, 7.05 feet) to a point of non-tangent curvature on said westerly right-of-way line; thence continuing along said right-of-way line as dedicated with the plat of said Meredith Subdivision, along the arc of a 80.00 foot radius curve to the left, through a central angle of 25° 33' 24", an arc distance of 35.68 feet (the chord of which bears South 40° 30' 24" West, 35.39 feet) to the point of beginning.

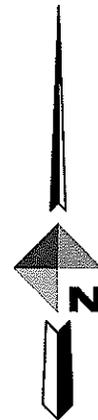
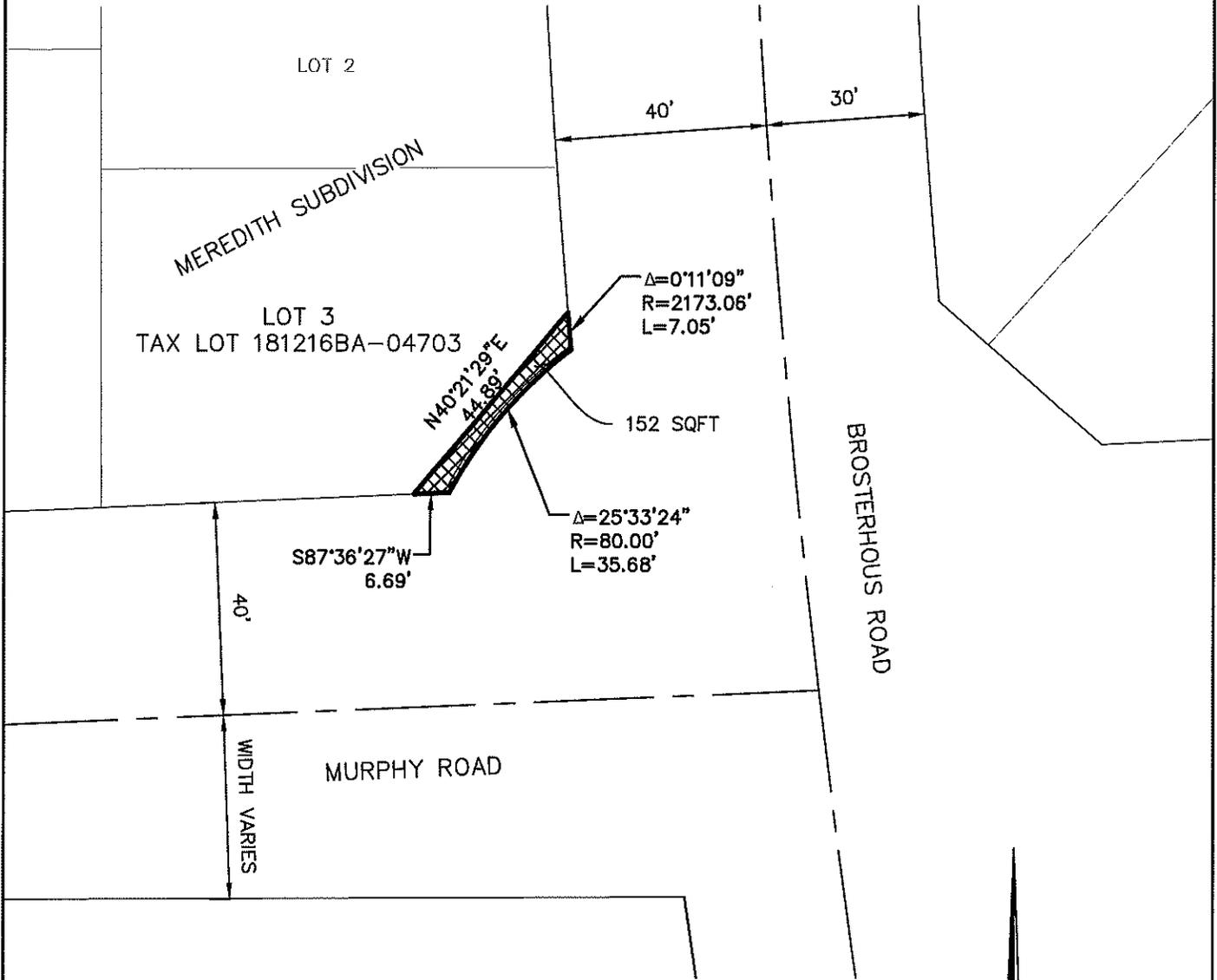
This tract of land contains 152 square feet, more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 26, 1988  
LYNN J BRUNO  
02335

RENEWAL DATE: 12-31-19

LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4  
SECTION 16, TOWNSHIP 18 SOUTH, RANGE 12 EAST  
WILLAMETTE MERIDIAN,  
CITY OF BEND, DESCHUTES COUNTY, OREGON



BEARINGS BASED ON CENTRAL  
OREGON COORDINATE SYSTEM (COCS)

**DOWL**  
WWW.DOWL.COM  
963 SW Simpson, #200  
Bend, Oregon 97702  
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MURPHY CORRIDOR IMPROVEMENTS  
RIGHT-OF-WAY ACQUISITION  
61108 BROWN TROUT PLACE

PROJECT	14184-01
C.O.B. PROJECT	1XMCI
DATE	8/21/2019

EXHIBIT B