

**RESOLUTION 3226  
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 establishing, laying out, extending or widening streets and providing safe transportation routes for commerce, convenience, and to adequately serve the traveling public.
- C. The project known as the Neff and Purcell Intersection Improvements project, 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 November 4, 2020.

YES: Sally Russell, Mayor  
Bruce Abernethy  
Barb Campbell  
Bill Moseley  
Justin Livingston  
Gena Goodman-Campbell  
Chris Piper

NO: none

  
\_\_\_\_\_  
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

Neff and Purcell Intersection Improvements Project (1TNPS)

### Enclosed:

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

Property	Page
1449 NE Purcell Boulevard	2
Slope Easement Acquisition	3

**1449 NE Purcell Boulevard**

**Property Owner: Shepard Investment Group LLC**



AKS ENGINEERING & FORESTRY, LLC  
2777 NW Lolo Drive, Suite 150, Bend, OR 97703  
P: (541) 317-8429 | www.aks-eng.com

AKS Job #7716

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

### EXHIBIT A

#### Legal Description

(Slope Easement, Tax Lot 100 Map 17-12-34BA)

A tract of land located in the Northwest One-Quarter of Section 34, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, and being more particularly described as follows:

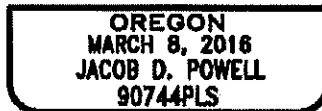
Commencing at the North One-Quarter corner of Section 34, thence along the North line of said section, also being the centerline of NE Neff Road, South 89°34'58" West, 221.84 feet; thence perpendicular to said north section line and centerline of road South 00°25'02" East, 46.50 feet to the Point of Beginning; thence parallel with and 46.50 feet southerly of, when measured at right angles to said north section line and centerline North 89°34'58" East, 41.94 feet; thence South 00°19'31" East, 4.33 feet; thence North 88°17'21" West, 20.32 feet; thence North 81°02'31" West, 21.92 feet to the Point of Beginning.

The above described Tract of land contains 119 square feet, more or less.

04/20/2020



*Jacob D. Powell*

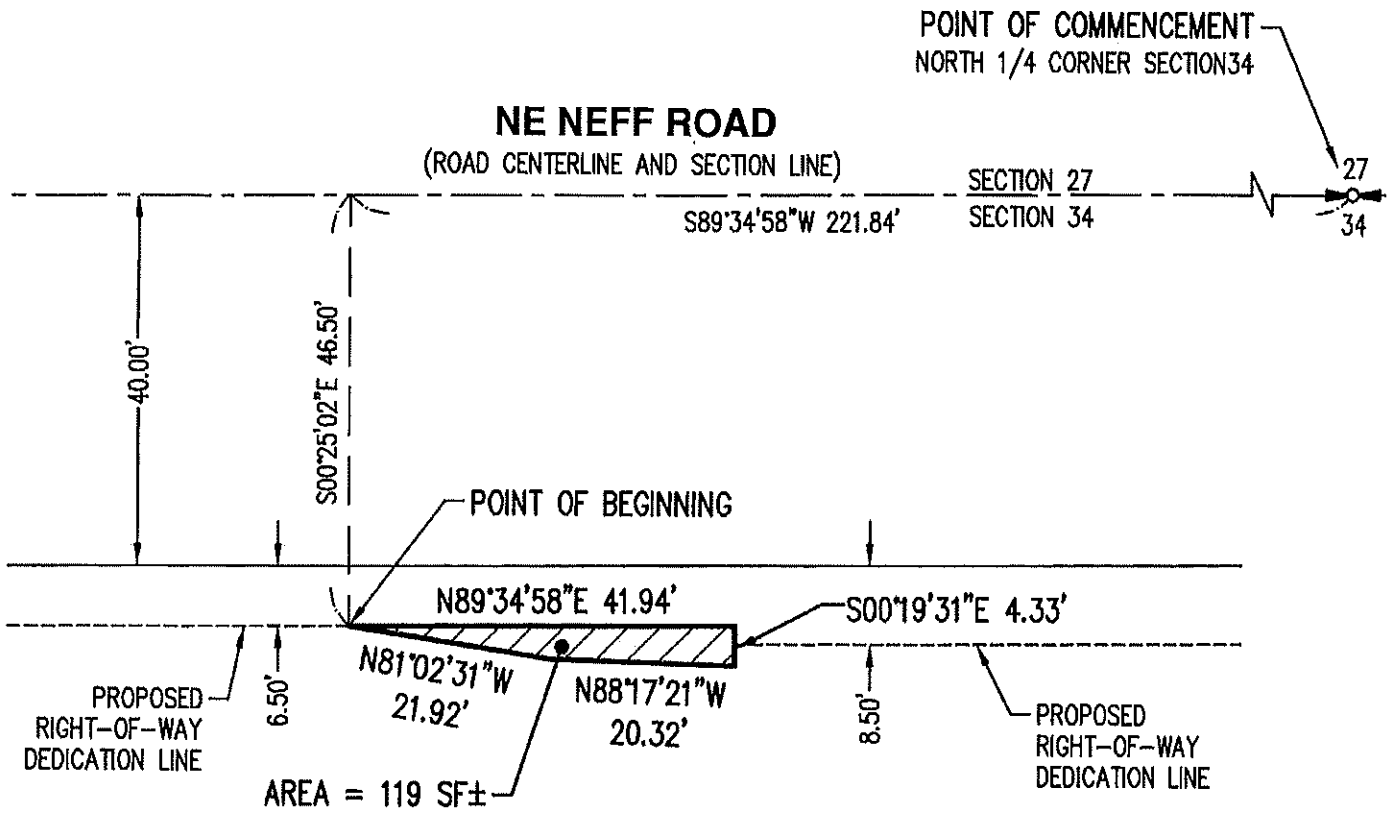


RENEWS: 12/31/20

# EXHIBIT B

## MAP OF LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NW 1/4 OF SEC. 34,  
T17S, R12E, W.M., CITY OF BEND, DESCHUTES COUNTY, OREGON



STATUTORY WARRANTY DEED  
2012-047838

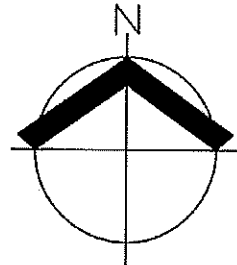
04/20/2020

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jacob D. Powell*

OREGON  
MARCH 8, 2016  
JACOB D. POWELL  
90744PLS  
RENEWS: 12/31/20

PREPARED FOR  
CITY OF BEND  
710 NW WALL STREET  
BEND, OR 97703



SCALE: 1" = 20 FEET



SLOPE EASEMENT - TAX LOT 100 MAP 17-12-34BA

AKS ENGINEERING & FORESTRY, LLC  
2777 NW LOLO DR, STE 150  
BEND, OR 97703  
541.317.8429 WWW.AKS-ENG.COM



EXHIBIT  
**B**

DRWN: JDP  
CHKD: MSK  
AKS JOB:  
7116



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AKS Job #7716

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

### EXHIBIT A

#### Legal Description

(Slope Easement (South), Tax Lot 100 Map 17-12-34BA)

A tract of land located in the Northwest One-Quarter of Section 34, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, and being more particularly described as follows:

Commencing at the North One-Quarter corner of Section 34, thence along the north line of said section, also being the centerline of NE Neff Road, South 89°34'58" West, 29.91 feet to the centerline of NE Purcell Blvd; thence along said centerline South 00°09'32" East, 306.82 feet; thence perpendicular to said centerline South 89°50'28" West, 32.00 feet to the Point of Beginning; thence parallel with and 32.00 feet westerly of, when measured at right angles to said centerline South 00°09'32" East, 1.04 feet; thence continuing parallel with and 32.00 feet westerly of, when measured at right angles to said centerline on a curve to the right with a radius of 290.56 feet, through a central angle of 25°56'51", a distance 131.59 feet (the chord which bears South 12°48'53" West 130.46 feet); thence North 21°11'01" East, 25.91 feet; thence North 17°45'37" East, 13.00 feet; thence North 14°40'11" East, 18.08 feet; thence North 08°05'42" East, 18.08 feet; thence North 02°41'11" West, 9.19 feet; thence North 06°47'02" East, 17.97 feet; thence North 13°17'01" West, 4.57 feet; thence North 23°54'28" East, 4.72 feet; thence North 00°11'36" West, 20.51 feet; thence North 89°50'28" East, 5.99 feet to the Point of Beginning.

The above described Tract of land contains 422 square feet, more or less.

05/18/2020



*Jacob D. Powell*



RENEWS: 12/31/20

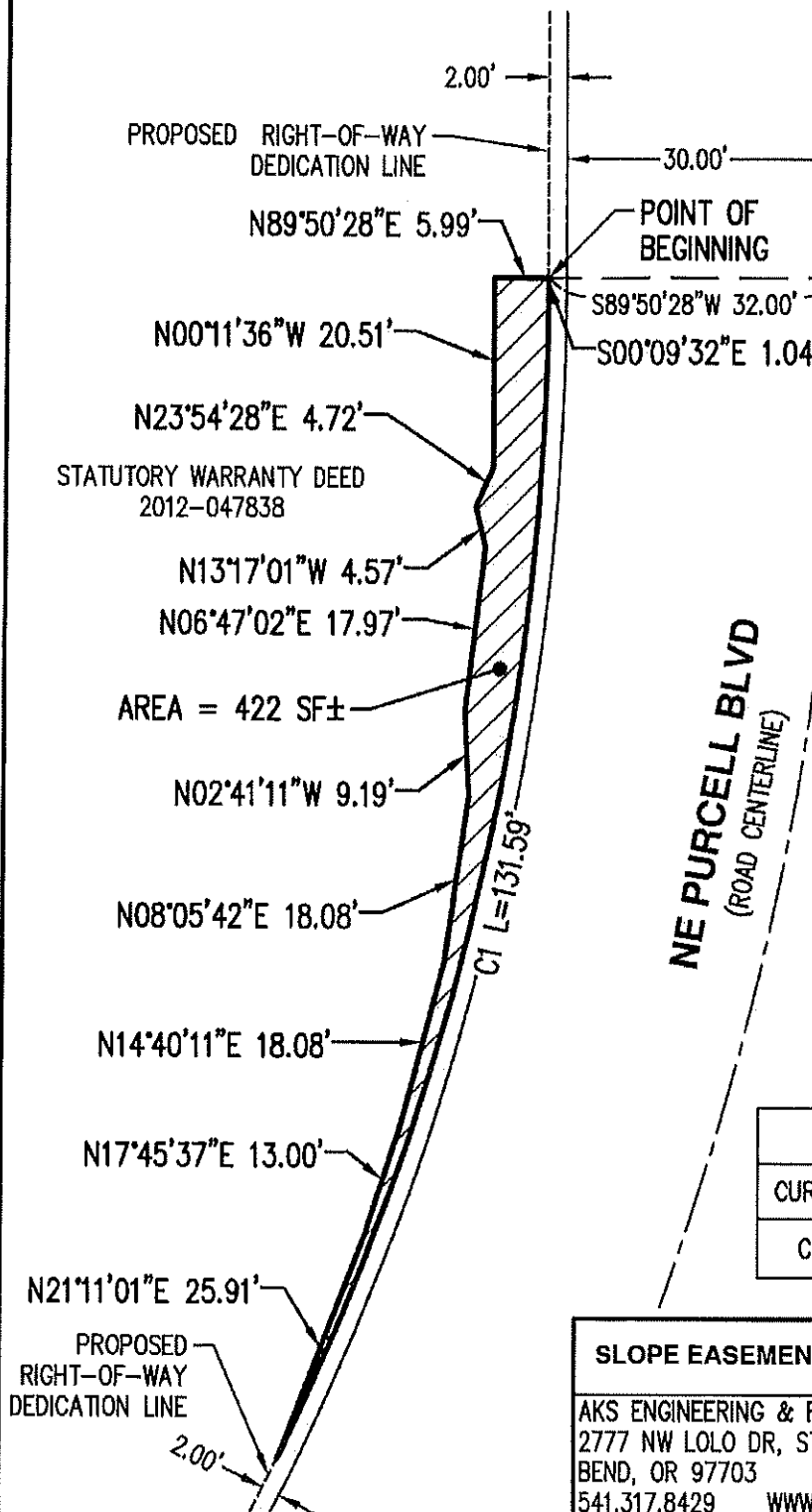
# EXHIBIT B

## MAP OF LEGAL DESCRIPTION

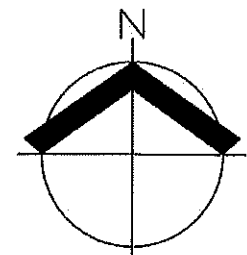
A TRACT OF LAND LOCATED IN THE NW 1/4 OF SEC. 34,  
T17S, R12E, W.M., CITY OF BEND, DESCHUTES COUNTY, OREGON

### NE NEFF ROAD

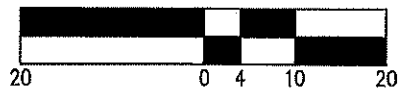
(ROAD CENTERLINE AND SECTION LINE) SECTION 27  
SECTION 34



POINT OF COMMENCEMENT  
NORTH 1/4 CORNER SECTION 34



SCALE: 1" = 20 FEET



05/18/2020

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jacob D. Powell*

OREGON  
MARCH 8, 2016  
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90744PLS

RENEWS: 12/31/20

PREPARED FOR  
CITY OF BEND  
710 NW WALL STREET  
BEND, OR 97703

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	290.56'	25°56'51"	131.59'	S12°48'53"W 130.46'

SLOPE EASEMENT (SOUTH)- TAX LOT 100 MAP 17-12-34BA		EXHIBIT <b>B</b>
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM		DRWN: JDP CHKD: NSW AKS JOB: 7116

