

**RESOLUTION NO. 3242  
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. The City is the road authority for all highways, roads, streets and alleys, other than state highways, within the boundaries of the City, under ORS 810.010, and has the authority to use the power of eminent domain for the purpose of establishing, laying out, extending or widening streets, under ORS 223.105.

C. The Bend City Council approved a Construction Manager / General Contractor agreement with Taylor Northwest, Inc. for the Newport Corridor Improvements Project (1RNPR) on February 19, 2020. The Newport Corridor Improvements project includes roadway reconstruction and replacement of City utilities from College Way to 9<sup>th</sup> St. (the "Project"). The Project has been planned in accordance with appropriate engineering standards for the construction of transportation infrastructure to minimize property damage, promote transportation and safeguard travel.

D. The Bend City Council previously approved a resolution for eminent domain for this Project on August 5, 2020, and September 2, 2020. The project design has been modified and it is necessary to acquire the interests in property, as described in Attachment A, revised from the acquisitions on these properties approved on August 5, 2020.

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

RESOLUTION NO.

Page 1 of 2

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 February 3, 2021.

YES: Mayor Sally Russell  
Mayor Pro Tem Gena Goodman Campbell  
Councilor Barb Campbell  
Councilor Melanie Kebler  
Councilor Anthony Broadman  
Councilor Megan Perkins  
Councilor Rita Schenkelberg


NO: none

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

Attest:

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

Approved as to form:

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

**EXHIBIT 'A'**  
**TAX LOT 171231AB08200**

**PARCEL 1 – RIGHT-OF-WAY DEDICATION**

A TRACT OF LAND BEING A PORTION OF PARCEL 1 OF THAT PROPERTY DESCRIBED IN THAT STATUTORY WARRANTY DEED RE-RECORDED APRIL 6, 2018 AS INSTRUMENT NO. 2018-013967, DESCHUTES COUNTY OFFICIAL RECORDS, HEREINAFTER REFERRED TO AS THE "SUBJECT PROPERTY", LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4), SECTION 31, TOWNSHIP 17 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF PARCEL 1 OF SAID "SUBJECT PROPERTY" MARKED BY A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP MARKED W&H PACIFIC PER COUNTY SURVEY NO. 12919 (CS12919), FILED MAY 6, 1997, DESCHUTES COUNTY SURVEYORS OFFICE; THENCE ALONG THE SOUTHERLY LINE OF PARCEL 1 OF SAID "SUBJECT PROPERTY", BEING COINCIDENT WITH THE NORTHERLY RIGHT-OF-WAY LINE OF NW NEWPORT AVENUE, NORTH 89°57'12" WEST, 105.93 FEET, TO THE SOUTHERLY MOST CORNER COMMON TO PARCEL 1 OF SAID "SUBJECT PROPERTY" AND THAT PROPERTY DESCRIBED IN THAT STATUTORY WARRANTY DEED RECORDED OCTOBER 17, 2017 AS INSTRUMENT NO. 2017- 041557, DESCHUTES COUNTY OFFICIAL RECORDS; THENCE, DEPARTING SAID SOUTHERLY LINE OF PARCEL 1 OF SAID "SUBJECT PROPERTY", NORTH 00°03'11" EAST, 11.96 FEET, ALONG THE WESTERLY LINE OF PARCEL 1 OF SAID "SUBJECT PROPERTY" TO A POINT OF NON-TANGENT CURVATURE WITH A CURVE HAVING A RADIUS OF 231.00 FEET; THENCE DEPARTING SAID WESTERLY LINE, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 6°23'45", AN ARC DISTANCE OF 25.79 FEET (THE CHORD OF WHICH BEARS NORTH 79°58'50" EAST, 25.77 FEET) TO A POINT OF REVERSE CURVATURE WITH A CURVE HAVING A RADIUS OF 23.50 FEET; THENCE ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 26°42'31", AN ARC DISTANCE OF 10.95 FEET (THE CHORD OF WHICH BEARS SOUTH 89°51'47" EAST, 10.86 FEET) TO A POINT OF REVERSE CURVATURE WITH A CURVE HAVING A RADIUS OF 13.00 FEET; THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14°32'28", AN ARC DISTANCE OF 3.30 FEET (THE CHORD OF WHICH BEARS SOUTH 83°46'46" EAST, 3.29 FEET) TO A POINT OF NON-TANGENCY; THENCE NORTH 70°52'22" EAST, 21.13 FEET TO A POINT OF NON-TANGENT CURVATURE WITH A CURVE HAVING A RADIUS OF 85.00 FEET; THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 21°04'15", AN ARC DISTANCE OF 31.26 FEET (THE CHORD OF WHICH BEARS NORTH 57°45'40" EAST, 31.08 FEET); THENCE NORTH 47°03'05" EAST, 27.60 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY LINE OF PARCEL 1 OF SAID "SUBJECT PROPERTY", BEING COINCIDENT WITH THE WESTERLY RIGHT-OF-WAY LINE OF NW 12TH STREET; THENCE ALONG THE EASTERLY LINE OF PARCEL 1 OF SAID "SUBJECT PROPERTY", SOUTH 00°02'48" WEST, 58.46 FEET TO THE POINT OF BEGINNING.

HEREIN DESCRIPTION CONTAINS 2,759 SQUARE FEET, MORE OR LESS.

BEARINGS BASED UPON THE CENTRAL OREGON COORDINATES SYSTEM (COCS) VALUES AS SHOWN ON COUNTY SURVEY NO. 20147 (CS20147).

SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD AND THOSE COMMON AND APPARENT TO THE LAND.

**PARCEL 2 – TEMPORARY CONSTRUCTION EASEMENT**

A 10.00 FOOT WIDE STRIP OF LAND BEING A PORTION OF PARCEL 1 OF THAT PROPERTY DESCRIBED IN THAT STATUTORY WARRANTY DEED RE-RECORDED APRIL 6, 2018 AS INSTRUMENT NO. 2018-013967, DESCHUTES COUNTY OFFICIAL RECORDS, HEREINAFTER REFERRED TO AS THE "SUBJECT PROPERTY", LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4), SECTION 31, 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 PARCEL 1 OF SAID "SUBJECT PROPERTY"; THENCE ALONG THE EASTERLY LINE OF PARCEL 1 OF SAID "SUBJECT PROPERTY", BEING COINCIDENT WITH THE WESTERLY RIGHT-OF-WAY LINE OF NW 12TH STREET, SOUTH 00°02'48" WEST, 116.07 FEET; THENCE DEPARTING SAID EASTERLY LINE NORTH 89°57'12" WEST, 10.00 FEET; THENCE NORTH 00°02'48" EAST, 116.03 FEET, TO A POINT ON THE NORTHERLY LINE OF PARCEL 1 OF SAID "SUBJECT PROPERTY"; THENCE ALONG SAID NORTHERLY LINE, NORTH 89°48'42" EAST, 10.00 FEET TO THE TO THE POINT OF BEGINNING.

HEREIN DESCRIPTION CONTAINS 1,161 SQUARE FEET, MORE OR LESS.

BEARINGS BASED UPON THE CENTRAL OREGON COORDINATES SYSTEM (COCS) VALUES AS SHOWN ON COUNTY SURVEY NO. 20147 (CS20147).

SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD AND THOSE COMMON AND APPARENT TO THE LAND.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 20, 2009  
SCOTT C. BOLDUC  
79288

EXPIRES: 12/31/2021

**Parametrix**  
ENGINEERING, PLANNING, ENVIRONMENTAL SCIENCES  
150 NW PACIFIC PARK LANE, SUITE 110 | BEND, OR 97701  
P 541.508.7710  
WWW.PARAMETRIX.COM

CITY OF BEND NEWPORT CORRIDOR  
**RIGHT-OF-WAY DEDICATION & EASEMENT**  
EXHIBIT 'B' - LAFKY PROPERTIES LLC  
TAX LOT 171231AB08200

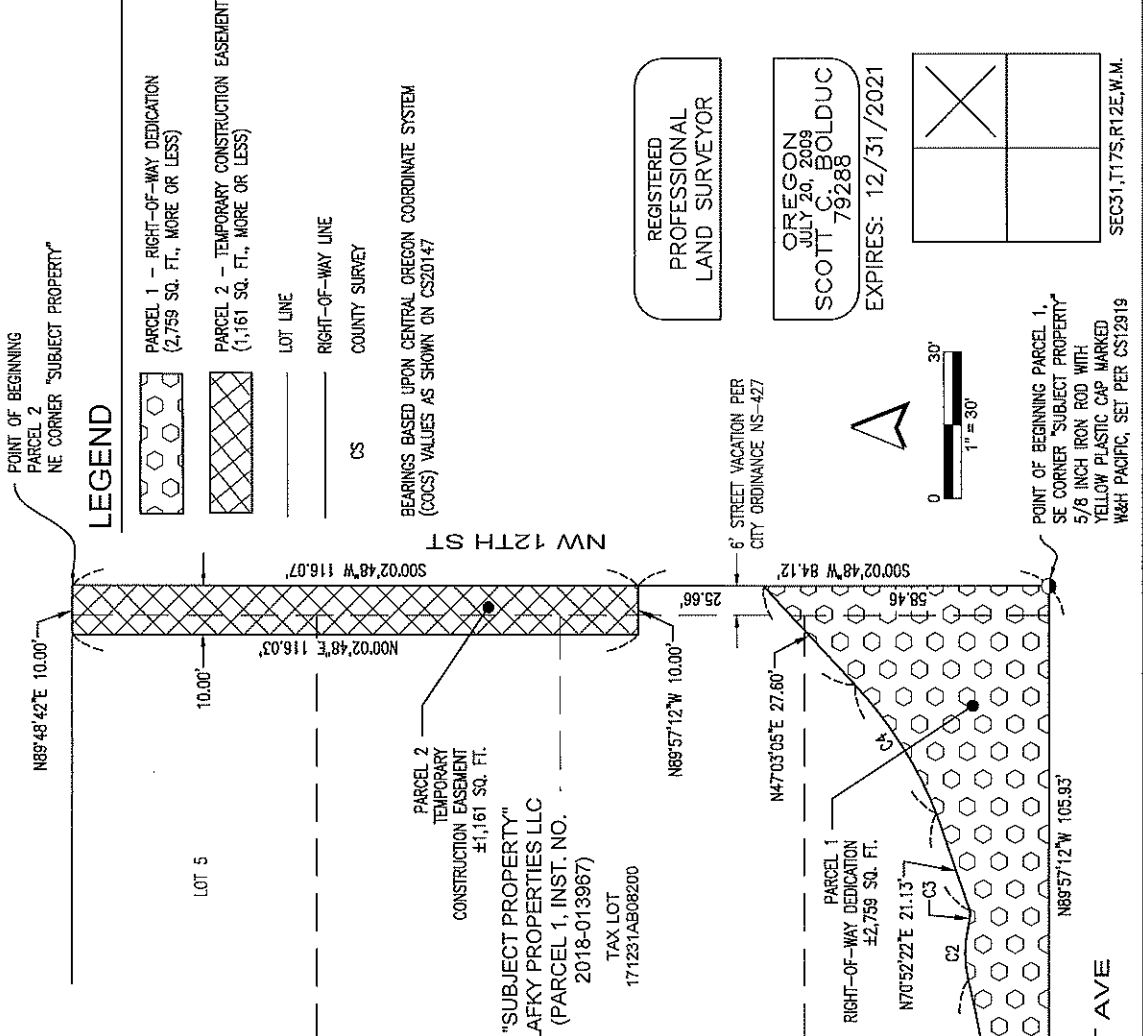
CITY OF BEND  
**RIGHT-OF-WAY DEDICATION & EASEMENT**  
EXHIBIT 'B' - LAFKY PROPERTIES LLC  
TAX LOT 171231AB08200

SHEET NO.  
1 OF 1

DWG NAME  
BE2763021V-EA\_LAFKY

DATE  
1/22/2021

CURVE TABLE				
CURVE NO.	LENGTH	RADIUS	DELTA	CHORD BEARING
C1	25.79'	231.00'	6°23'45"	N79°58'50"E
C2	10.95'	23.50'	26°42'31"	S89°51'47"E
C3	3.30'	13.00'	14°32'28"	S83°46'46"E
C4	31.26'	85.00'	21°04'15"	N57°45'40"E



**LEGEND**

- PARCEL 1 - RIGHT-OF-WAY DEDICATION (2,759 SQ. FT., MORE OR LESS)
- PARCEL 2 - TEMPORARY CONSTRUCTION EASEMENT (1,161 SQ. FT., MORE OR LESS)
- LOT LINE
- RIGHT-OF-WAY LINE
- COUNTY SURVEY

BEARINGS BASED UPON CENTRAL OREGON COORDINATE SYSTEM (COCS) VALUES AS SHOWN ON CS20147

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 26, 2009  
SCOTT C. BOLDUCC  
79288

EXPIRES: 12/31/2021


POINT OF BEGINNING PARCEL 1, SE CORNER "SUBJECT PROPERTY" 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP MARKED W&H PACIFIC, SET PER CS12919

POINT OF BEGINNING PARCEL 2, NE CORNER "SUBJECT PROPERTY" 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP MARKED W&H PACIFIC, SET PER CS12919

SE CORNER LOT 9 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP MARKED LS681, SET PER CS07811

NW NEWPORT AVE

NW 12TH ST

ALLEY

"SUBJECT PROPERTY"  
LAFKY PROPERTIES LLC  
(PARCEL 1, INST. NO. 2018-013987)  
TAX LOT 171231AB08200

TAX LOT 171231AB08400 (INST. NO. 2017-41557)

TAX LOT 171231AB08400 (PARCEL 2, INST. NO. 2018-013987)

KENWOOD GARDENS

**EXHIBIT 'A'**  
**TAX LOT 171231AB08300**

**PARCEL 1 – RIGHT-OF-WAY DEDICATION**

A TRACT OF LAND BEING A PORTION OF THAT PROPERTY DESCRIBED IN THAT STATUTORY WARRANTY DEED RECORDED OCTOBER 17, 2017 AS INSTRUMENT NO. 2017-041557, DESCHUTES COUNTY OFFICIAL RECORDS, HEREINAFTER REFERRED TO AS THE "SUBJECT PROPERTY", LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4), SECTION 31, TOWNSHIP 17 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBJECT PROPERTY, SAID POINT LYING NORTH 89°57'12" WEST, 105.93 FEET FROM THE SOUTHEAST CORNER OF THAT PROPERTY DESCRIBED IN THAT STATUTORY WARRANTY DEED RE-RECORDED APRIL 6, 2018 AS INSTRUMENT NO. 2018-013967, DESCHUTES COUNTY OFFICIAL RECORDS, MARKED BY A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP MARKED W&H PACIFIC PER COUNTY SURVEY NO. 12919 (CS12919), FILED MAY 6, 1997, DESCHUTES COUNTY SURVEYORS OFFICE; THENCE, ALONG THE SOUTHERLY LINE OF SAID "SUBJECT PROPERTY", BEING COINCIDENT WITH THE NORTHERLY RIGHT-OF-WAY LINE OF NW NEWPORT AVENUE, NORTH 89°57'12" WEST, 49.96 FEET, TO THE SOUTHWEST CORNER OF SAID "SUBJECT PROPERTY"; THENCE, DEPARTING SAID SOUTHERLY LINE, NORTH 00°03'10" EAST, 3.00 FEET, ALONG THE WESTERLY LINE OF SAID SUBJECT PROPERTY; THENCE, DEPARTING SAID WESTERLY LINE, NORTH 89°57'12" WEST, 20.48 FEET, TO A POINT OF NON-TANGENT CURVATURE WITH A CURVE HAVING A RADIUS OF 13.00 FEET; THENCE, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 16°18'48", AN ARC DISTANCE OF 3.70 FEET (THE CHORD OF WHICH BEARS NORTH 56°56'20" EAST, 3.69 FEET), TO A POINT OF REVERSE CURVATURE WITH A CURVE HAVING A RADIUS OF 23.50 FEET; THENCE ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 37°29'40", AN ARC DISTANCE OF 15.38 FEET (THE CHORD OF WHICH BEARS NORTH 67°31'46" EAST, 15.11 FEET), TO A POINT OF REVERSE CURVATURE WITH A CURVE HAVING A RADIUS OF 231.00 FEET; THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 3°05'54", A DISTANCE OF 12.49 FEET (TO WHICH THE CHORD BEARS NORTH 84°43'39" EAST, 12.49 FEET), TO A POINT OF INTERSECTION WITH THE EASTERLY LINE OF SAID "SUBJECT PROPERTY"; THENCE, ALONG THE EASTERLY LINE OF SAID "SUBJECT PROPERTY", SOUTH 00°03'11" WEST, 11.96 FEET, TO THE POINT OF BEGINNING;

HEREIN DESCRIPTION CONTAINS 337 SQUARE FEET, MORE OR LESS.

BEARINGS BASED UPON THE CENTRAL OREGON COORDINATES SYSTEM (COCS) VALUES AS SHOWN ON COUNTY SURVEY NO. 20147 (CS20147).

SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD AND THOSE COMMON AND APPARENT TO THE LAND.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 20, 2009  
SCOTT C. BOLDOC  
79288

EXPIRES: 12/31/2021

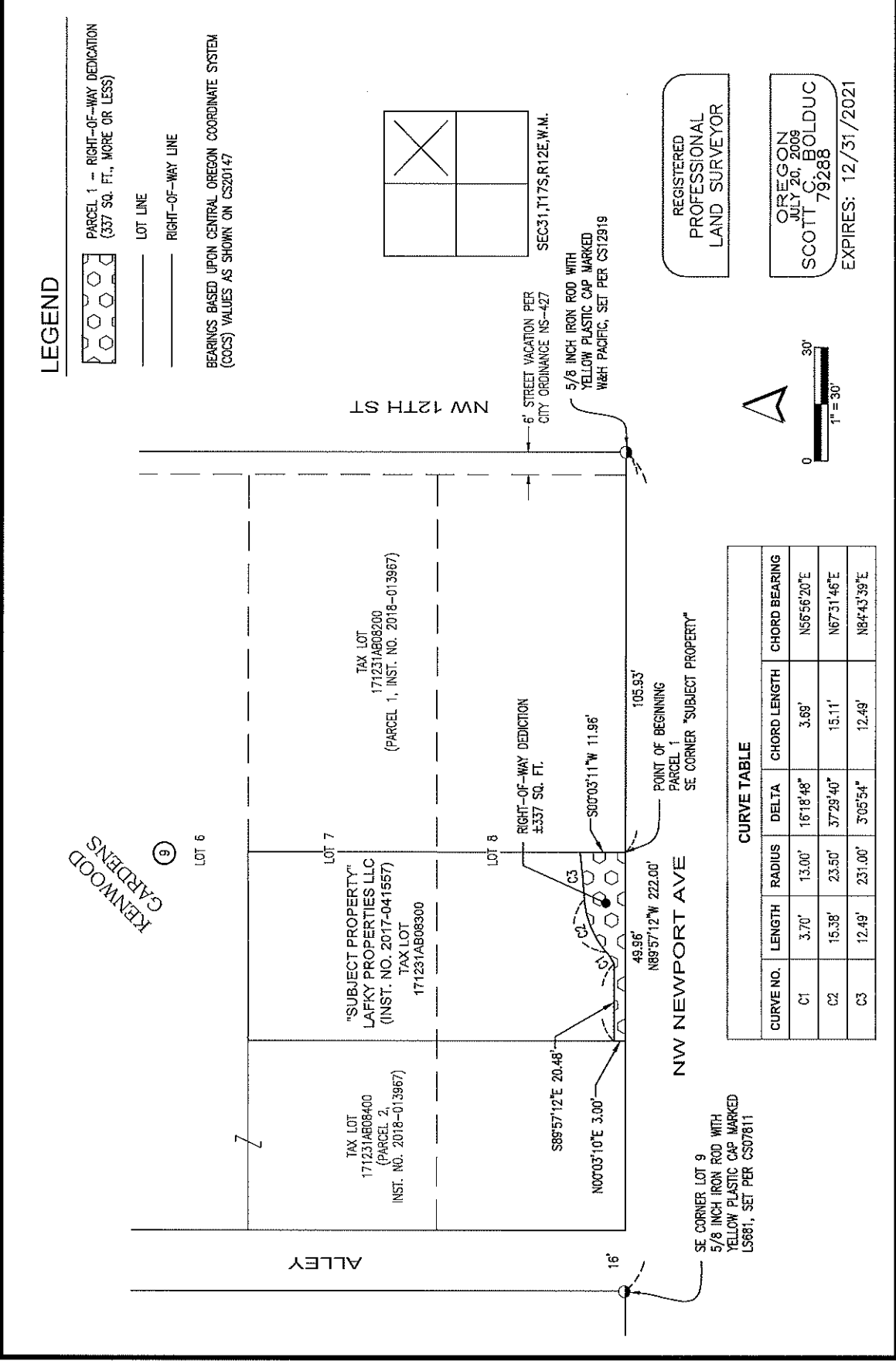
**City of Bend**  
 CITY OF BEND NEWPORT CORRIDOR  
 RIGHT-OF-WAY DEDICATION  
 EXHIBIT 'B' - LAFKY PROPERTIES LLC  
 TAX LOT 171231AB08300

**Parametrix**  
 ENGINEERING, PLANNING, ENVIRONMENTAL SCIENCES  
 150 NW PACIFIC PARK LANE, SUITE 110 | BEND, OR 97701  
 P 541.508.7710  
 WWW.PARAMETRIX.COM

SHEET NO.  
1 OF 1

DWG NAME  
BE2763021V-EA\_LAFKY

DATE  
1/21/2021



**EXHIBIT 'A'**  
**TAX LOT 171231AB08400**

**PARCEL 1 – RIGHT-OF-WAY DEDICATION**

A STRIP OF LAND BEING A PORTION OF PARCEL 2 OF THAT PROPERTY DESCRIBED IN THAT STATUTORY WARRANTY DEED RE-RECORDED APRIL 6, 2018 AS INSTRUMENT NO. 2018-013967, DESCHUTES COUNTY OFFICIAL RECORDS, HEREINAFTER REFERRED TO AS THE "SUBJECT PROPERTY", LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4), SECTION 31, TOWNSHIP 17 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 3.00 FEET OF SAID "SUBJECT PROPERTY".

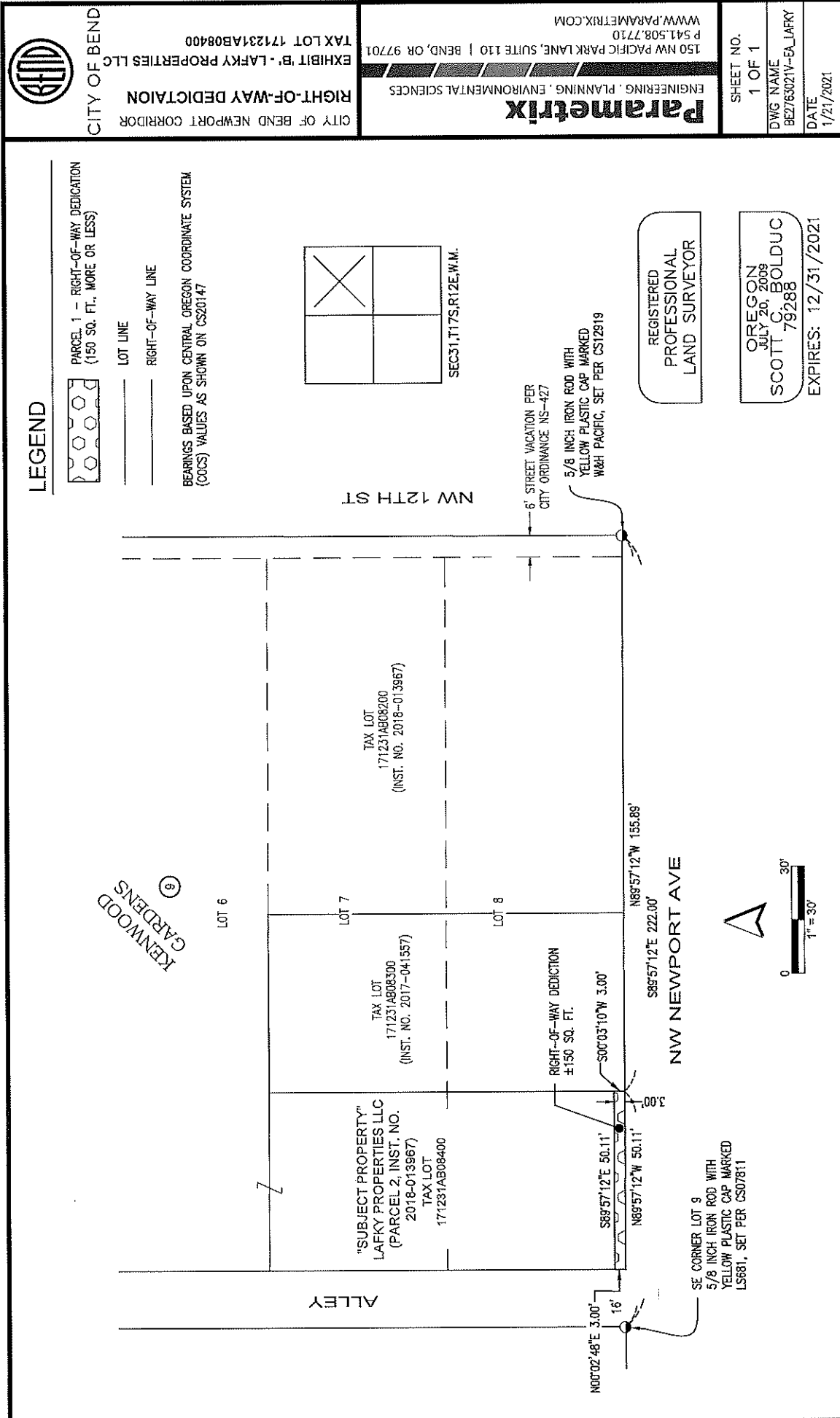
HEREIN DESCRIPTION CONTAINS 150 SQUARE FEET, MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD AND THOSE COMMON AND APPARENT TO THE LAND.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 20, 2009  
SCOTT C. BOLDUC  
79288

EXPIRES: 12/31/2021



**LEGEND**



PARCEL 1 - RIGHT-OF-WAY DEDICATION  
(150 SQ. FT. MORE OR LESS)

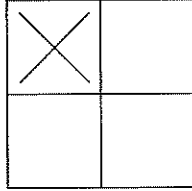


LOT LINE



RIGHT-OF-WAY LINE

BEARINGS BASED UPON CENTRAL OREGON COORDINATE SYSTEM  
(COCS) VALUES AS SHOWN ON CS20147



SECS 31, T17S, R12E, W.M.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 20, 2009  
SCOTT C. BOLDUC  
79288

EXPIRES: 12/31/2021



CITY OF BEND NEWPORT CORRIDOR  
RIGHT-OF-WAY DEDICATION  
EXHIBIT B - LAFKY PROPERTIES LLC  
TAX LOT 171231AB08400

**Parametrix**  
ENGINEERING, PLANNING, ENVIRONMENTAL SCIENCES  
150 NW PACIFIC PARK LANE, SUITE 110 | BEND, OR 97701  
P 541.508.7710  
WWW.PARAMETRIX.COM

SHEET NO.  
1 OF 1  
DWG NAME  
BEZ763021V-EA\_LAFKY  
DATE  
1/21/2021