

RESOLUTION NO. 3290
EXERCISING THE POWER OF EMINENT DOMAIN:
WILSON AVENUE CORRIDOR – 15th and Wilson (Updated)

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 Design Agreement with DOWL for the portion of the Wilson Avenue Corridor Project (1GWAC) from Douglas Street to 15th Street. The Wilson Avenue Corridor Project includes a single lane roundabout at 15th and Wilson (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. Council previously approved acquisition of property interests for this portion of the Project. Design of the Project has been refined, and the amount of private property needed for the Project has been reduced. To accomplish this Project, it is now necessary to acquire the interests in property described and shown in the attached Exhibits A & B.

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

- Section 1. Resolution 3287, exercising the power of eminent domain, is hereby repealed.
- Section 2. The Council accepts the Findings as facts in support of this Resolution. The property being acquired is necessary for the construction of the Project and is 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 3. The power of eminent domain is exercised with respect to the property and interests in the property described in the attached Exhibits A & B. It is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law.

Section 4. 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 5. 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 6. This resolution takes effect immediately upon adoption.

Adopted by motion of the Bend City Council on March 16, 2022.

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:

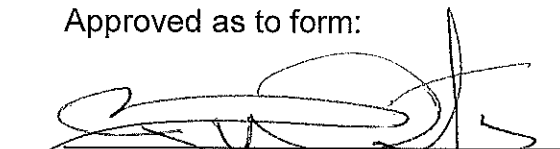

Mary A. Winters, City Attorney



EXHIBIT A
City of Bend
Wilson Corridor Improvements

Parcel 1 - Public Right-of-Way Dedication

A tract of land lying in Lot 6, Block 8 of CARRIAGE ADDITION NO. II, City of Bend, Deschutes County, Oregon and being a portion of the property described as "Parcel IV" in that Statutory Bargain and Sale Deed to Pacific River Properties LLC, recorded October 15, 2019 as Volume 2019, Page 39378 Deschutes County Official Records; said tract being that portion of said property described as follows:

Commencing at the southeast corner of said Lot 6, marked by a 1/2" iron rod; thence South 89°34'13" West along the south line of said Lot 6, 115.28 feet to the **true point of beginning**; thence continuing along the south line of said Lot 6, South 89° 34' 13" West, 34.62 feet to the west line of said Lot 6, being coincident with the easterly right of way of SE 15th Street; thence leaving the south line of said Lot 6 along said easterly right of way North 00° 12' 49" East, 168.23 feet; thence leaving said easterly right of way, South 09° 47' 50" East, 51.09 feet; thence South 00° 12' 49" West, 75.91 feet; thence South 01° 43' 11" East, 22.89 feet to a point of curvature; thence along the arc of a 10.00 foot radius curve to the left, through a central angle of 60° 32' 24", an arc length of 10.57 feet (the chord of which bears South 31° 59' 23" East, 10.08 feet) to a point of tangency; thence South 62° 15' 34" East, 22.10 feet to the south line of said Lot 6 and the **true point of beginning**;

This tract of land contains 1,466 square feet, more or less.

Bearings are based on the Central Oregon Coordinate System, Deschutes 13 transformation.

Subject to any easements, restrictions, and rights of way of record and those common and apparent on the land.

Parcel 2 - Temporary Construction Easement (2 years or duration of project, whichever is sooner)

A tract of land lying in Lot 6, Block 8 of CARRIAGE ADDITION NO. II, City of Bend, Deschutes County, Oregon and being a portion of the property described as "Parcel IV" in that Statutory Bargain and Sale Deed to Pacific River Properties LLC, recorded October 15, 2019 as Volume 2019, Page 39378 Deschutes County Official Records; said tract being that portion of said property described as follows:

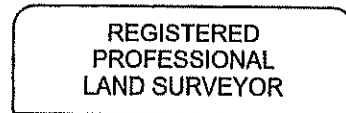


Commencing at the southeast corner of said Lot 6, marked by a 1/2" iron rod; thence South 89°34'13" West along the south line of said Lot 6, 115.28 feet to the **true point of beginning**; thence leaving said south line, North 62° 15' 34" West, 22.10 feet to a point of curvature; thence along the arc of a 10.00 foot radius curve to the right, through a central angle of 60° 32' 24", an arc length of 10.57 feet (the chord of which bears North 31° 59' 23" West, 10.08 feet) to a point of tangency; thence North 01° 43' 11" West, 22.89 feet; thence North 00° 12' 49" East, 75.91 feet; thence North 09° 47' 50" West, 51.09 feet to the west line of said Lot 6, being coincident with the easterly right of way of SE 15th Street; thence North 00° 12' 49" East, along said easterly right of way, 45.07 feet to the northerly line of said "Parcel IV"; thence leaving said easterly right of way, North 89° 35'29" East, along the northerly line of said "Parcel IV", 1.18 feet; thence leaving said northerly line, South 09° 47' 50" East, 96.07 feet; thence South 00° 12' 49" West, 76.55 feet; thence South 01° 43' 11" East, 22.17 feet; thence South 62° 15' 34" East, 41.92 feet to a point on the south line of said Lot 6; thence South 89° 34' 13" West along said south line, 21.18 feet to the **true point of beginning**;

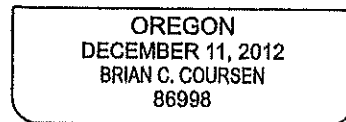
This tract of land contains 1,948 square feet, more or less.

Bearings are based on the Central Oregon Coordinate System, Deschutes 13 transformation.

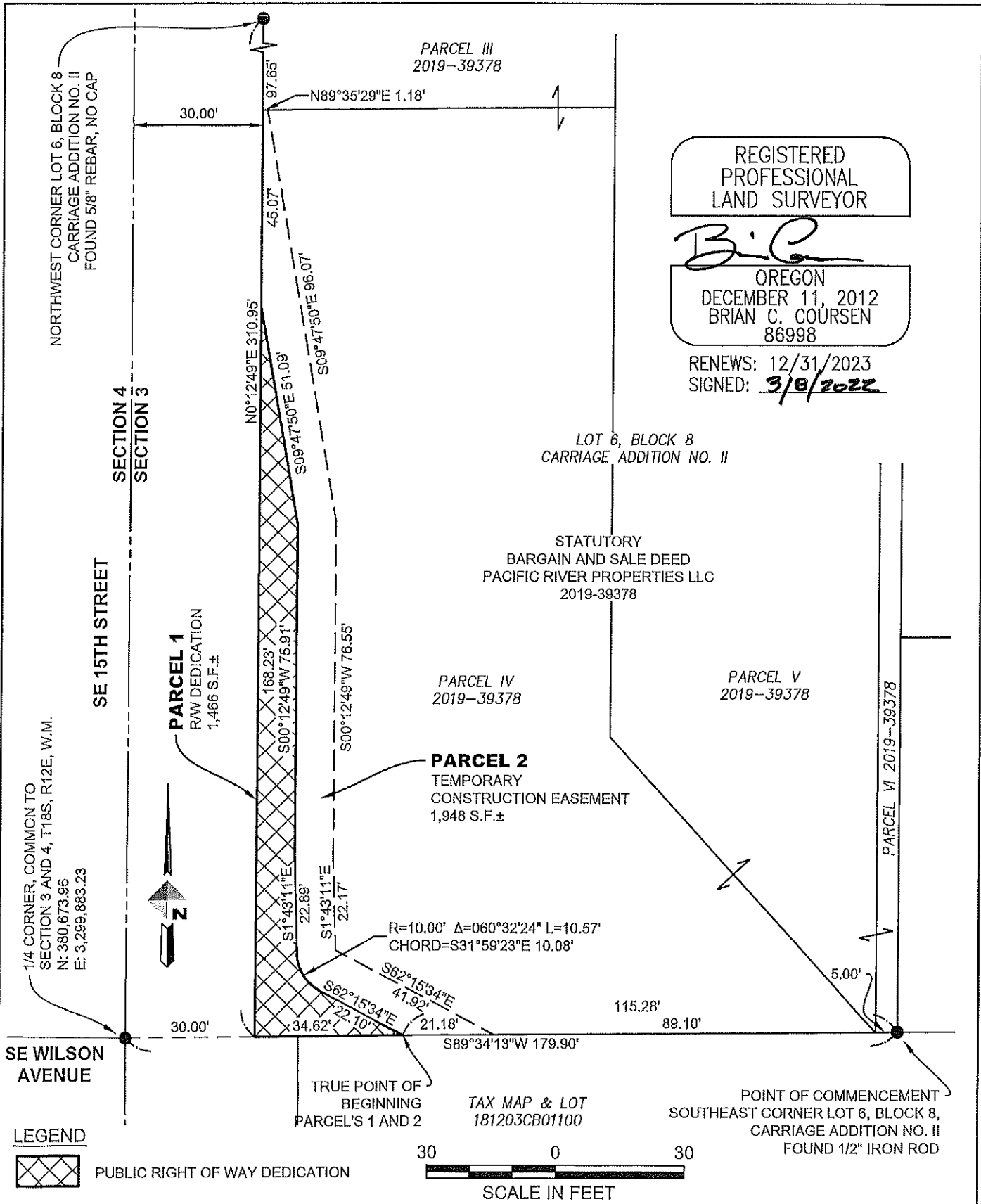
Subject to any easements, restrictions, and rights of way of record and those common and apparent on the land.



B. C. 3/8/2022



Renews: 12-31-2023



REGISTERED
PROFESSIONAL
LAND SURVEYOR

B.C.
OREGON
DECEMBER 11, 2012
BRIAN C. COURSEN
86998

RENEWS: 12/31/2023
SIGNED: 3/8/2022

DOWL
WWW.DOWL.COM
963 SW Simpson Avenue, #200
Bend, Oregon 97702
541-385-4772

WILSON CORRIDOR IMPROVEMENTS
TAX MAP & LOT 181203BC 04403
PACIFIC RIVER PROPERTIES LLC

PROJECT	14670-01
DATE	3/8/2022
EXHIBIT B	