

RESOLUTION NO. 3309

RESOLUTION 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 223.005, ORS 223.105(2), ORS 224.020, ORS 225.020, and ORS Chapter 35 when deemed necessary by the City of Bend's governing body to accomplish public purposes.

B. The City has the authority to construct and operate a sewer system for the proper disposal of sewerage, and has the responsibility of building, operating, and maintaining watery systems for the benefit and use of its inhabitants and the general public, and has the authority to acquire rights of way and easements within and without the city boundaries for any such purpose, including by condemnation if necessary.

C. The Oregon Department of Transportation (ODOT) project known as the US-97/US-20 North Corridor Improvements Project (Project) is being planned, contracted for, and carried out by ODOT, in cooperation and with funding from the City of Bend. The Project requires relocation of City sewer and water infrastructure into new sewer and water easements. The City Council finds that this portion of the Project is being planned in accordance with appropriate engineering standards for the construction of transportation and utility infrastructure so that property damage is minimized, sewer and water utility services and transportation promoted, and travel safeguarded.

D. To accomplish this Project it is necessary to acquire the property and the interests in property described in "Exhibit 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 Project for which the properties are 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 Exhibit A. Each is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law.

Section 3. On behalf of the City, the Oregon Department of Transportation is 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.

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In the event that no satisfactory agreement can be reached, the Oregon Department of Transportation is 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. In the event that the Oregon Department of Transportation is unable to reach an agreement with the owners(s) of the property as to the compensation to be paid therefore, the Department of Transportation/Attorney General is authorized and directed to institute condemnation proceedings in the name of the City of Bend in a court of competent jurisdiction for the purpose of acquiring title to possession of the property and property interests described and shown in Exhibit A.

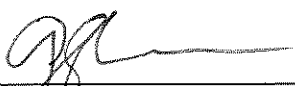
Section 5. The City of Bend expressly reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality, or locality, and to change or abandon any acquisition. The City Manager is authorized to approve changes to the quantity, quality, or locality of the property and interests therein identified in Exhibit A, to facilitate acquisition of equivalent or otherwise sufficient property interests for the City's infrastructure needed for the Project.

Section 6. This resolution takes effect immediately upon adoption.

Adopted by the Bend City Council on October 19, 2022.

YES: Mayor Gena Goodman-Campbell
Councilor Melanie Kebler
Councilor Mo Mitchell
Councilor Stephen Sehgal

NO: Mayor Pro Tem Anthony Broadman



Gena Goodman-Campbell, Mayor

ATTEST:



Robyn Christie, City Recorder

Approved as to form:



Mary A. Winters, City Attorney

RESOLUTION NO.

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EXHIBIT A



901 NW Carlon Ave, Suite 3 | Bend, OR 97703
(541) 797-0954 | www.sflands.com

2022-541-01
SEPTEMBER 13, 2022
FILE NO. 9296-045

EXHIBIT 'A'

PROPERTY DESCRIPTION

LOT 1, BLOCK 2, B.I.D. II RECORDED JUNE 7, 1974 IN SUBDIVISION CABINET B, PAGE 63, DESCHUTES COUNTY SUBDIVISION RECORDS.

TOGETHER WITH A PORTION OF LOT 2 IN BLOCK 2 OF SAID B.I.D. II, DESCRIBED AS FOLLOWS:

BEGINNING AT THE #5 REBAR THAT MARKS THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 13° 34' 27" WEST 32.96 FEET UPON THE EAST LINE OF SAID LOT 2 TO AN ORANGE PLASTIC CAP MARKED WITH LS2253 SET ATOP A #5 REBAR, THENCE LEAVING SAID EAST LINE NORTH 74° 36' 32" WEST 60.64 FEET TO AN ORANGE PLASTIC CAP MARKED WITH LS2253 SET ATOP A #5 REBAR; THENCE NORTH 88° 58' 53" WEST 140.24 FEET TO A POINT ON THE WEST LINE OF SAID LOT 2 BEING AN ORANGE PLASTIC CAP MARKED WITH LS2253 SET ATOP A #5 REBAR; THENCE UPON SAID WEST LINE NORTH 51° 39' 41" EAST 21.68 FEET TO THE NORTHWEST CORNER OF SAID LOT 2 BEING A YELLOW PLASTIC CAP MARKED WITH BAXTER SET ATOP A #5 REBAR SET IN CONCRETE; THENCE NORTH 90° 00' 00" EAST 189.41 FEET UPON THE NORTH LINE OF SAID LOT 2 TO THE POINT OF BEGINNING AND TERMINUS OF THIS DESCRIPTION.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 21, 2009
ANDREW N. HUSTON
61407PLS

RENEWS: 6/30/2023

EXHIBIT A

S&F Land Services
 901 NW Carlon Ave, Suite 3 | Bend, OR 97703
 (541) 797-0954 - www.sflands.com

2022-541-01
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EXHIBIT 'B'

UTILITY EASEMENT

A PORTION OF LOT 1, BLOCK 2, B.I.D. II RECORDED JUNE 7, 1974 IN SUBDIVISION CABINET B, PAGE 63, DESCHUTES COUNTY SUBDIVISION RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FROM THE NORTHERLY MOST CORNER COMMON TO SAID LOT 1 AND LOT 4 OF SAID BLOCK, SAID POINT LIES ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BRANDIS COURT; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, ALONG THE LINE COMMON TO SAID LOT 1 AND LOT 4, SOUTH 15°06'42" EAST, 196.57 FEET TO THE SOUTHERLY CORNER COMMON TO SAID LOT 1 AND LOT 4; THENCE ALONG THE LINE COMMON TO SAID LOT 1 AND LOT 4 OF SAID BLOCK, SOUTH 51°44'02" WEST, 21.67 FEET; THENCE LEAVING SAID COMMON LINE TO LOT 1 AND LOT 4, ALONG THE LINE COMMON TO SAID LOT 1 AND LOT 2 OF THE SAME BLOCK SOUTH 88°55'13" EAST, 20.75 FEET; THENCE LEAVING SAID COMMON LINE TO LOT 1 AND LOT 2 NORTH 15°06'42" WEST, 14.31 FEET TO THE SOUTHERLY CORNER COMMON TO SAID LOT 1 AND LOT 4.

THIS DESCRIPTION CONTAINS 143 SQUARE FEET, MORE OR LESS.

HEREIN BEARINGS ARE BASED UPON THE OREGON COORDINATE REFERENCE SYSTEM, BEND-REDMOND-PRINEVILLE ZONE.

SUBJECT TO RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR



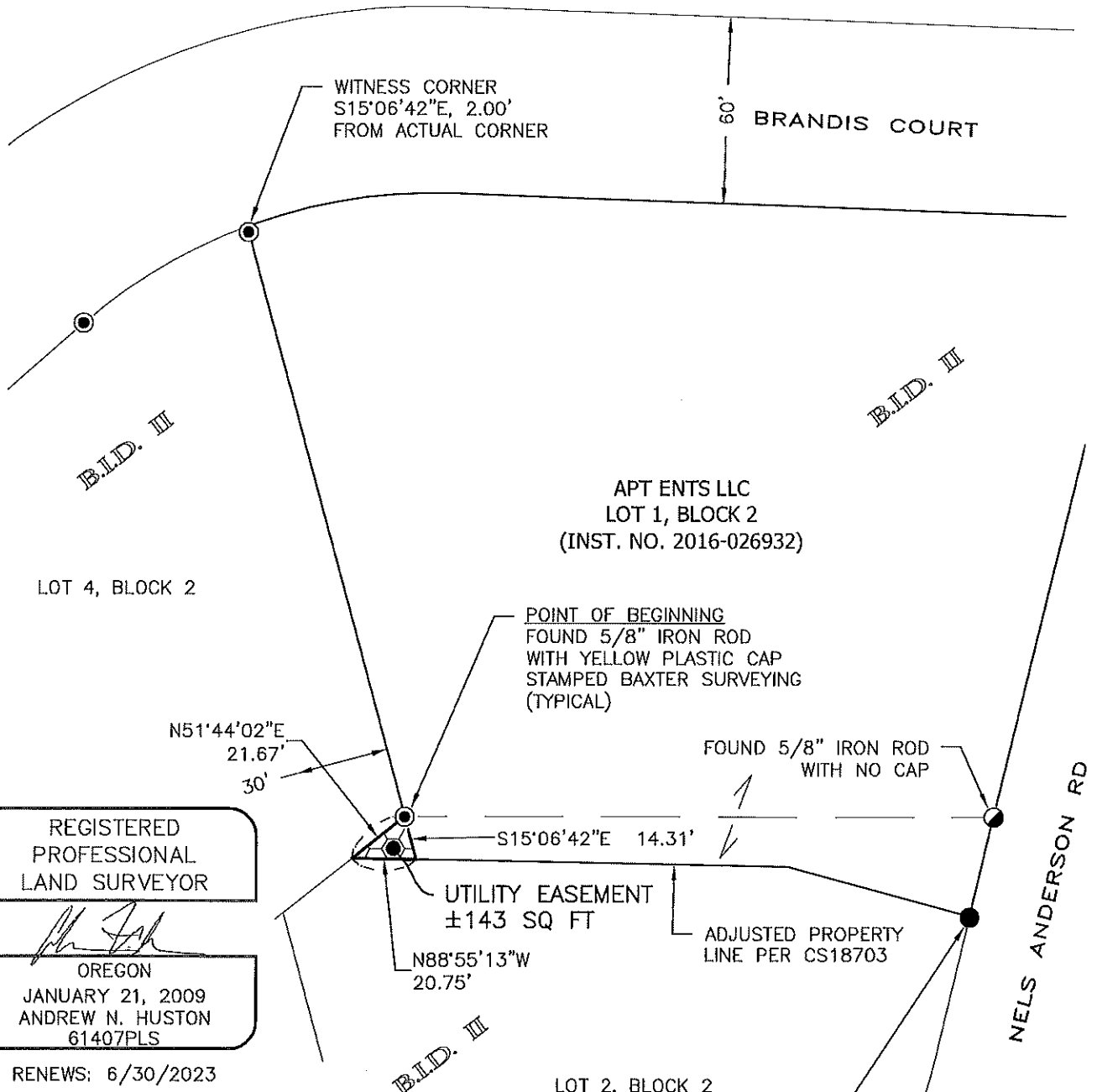
OREGON
 JANUARY 21, 2009
 ANDREW N. HUSTON
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RENEWS: 6/30/2023

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EXHIBIT C
UTILITY EASEMENT EXHIBIT
OVER AND ACROSS LOT 2, BLOCK 2, B.I.D. II
LOCATED IN THE SW1/4 OF SECTION 16,
TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.
CITY OF BEND, DESCHUTES COUNTY, OREGON

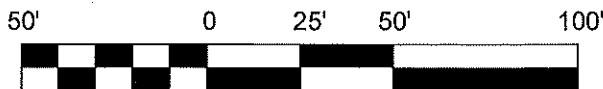
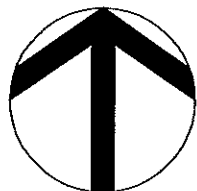


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Andrew N. Huston

OREGON
JANUARY 21, 2009
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RENEWS: 6/30/2023



SCALE: 1" = 50'

S&F Land Services

Date: 09/29/2022
Proj No: 22-540-01

901 NW CARLON AVENUE,
STE 3, BEND, OR 97703
(541) 797-0954

www.sflands.com
Info@sflands.com

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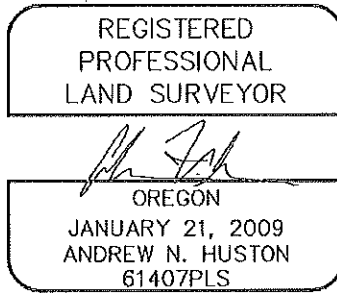
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2022-541-01
SEPTEMBER 13, 2022
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EXHIBIT 'A'

PROPERTY DESCRIPTION

LOT 4, BLOCK 2, B.I.D. II RECORDED JUNE 7, 1974 IN SUBDIVISION CABINET B, PAGE 63, DESCHUTES COUNTY SUBDIVISION RECORDS.



RENEWS: 6/30/2023



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EXHIBIT 'B'

UTILITY EASEMENT

A PORTION OF LOT 4, BLOCK 2, B.I.D. II RECORDED JUNE 7, 1974 IN SUBDIVISION CABINET B, PAGE 63, DESCHUTES COUNTY SUBDIVISION RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FROM THE NORTHERLY MOST CORNER COMMON TO SAID LOT 4 AND LOT 1 OF SAID BLOCK, SAID POINT LIES ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BRANDIS COURT, FROM WHICH A WITNESS CORNER BEING A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED BAXTER SURVEYING BEARS SOUTH 15°06'42" EAST, 2.00 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, ALONG THE LINE COMMON TO SAID LOT 4 AND LOT 1, SOUTH 15°06'42" EAST, 196.57 FEET TO THE SOUTHERLY CORNER COMMON TO SAID LOT 4 AND LOT 1, BEING MARKED BY A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED BAXTER SURVEYING; THENCE LEAVING SAID COMMON LINE BETWEEN LOT 4 AND LOT 1, ALONG THE LINE COMMON TO SAID LOT 4 AND LOT 2 OF SAID BLOCK, SOUTH 51°44'02" WEST, 32.63 FEET; THENCE LEAVING SAID COMMON LINE TO LOT 4 AND LOT 2, ALONG A LINE 30.00 FEET WEST AND PARALLEL TO SAID LINE COMMON TO LOT 4 AND LOT 1, NORTH 15°06'42" WEST, 172.77 FEET; THENCE NORTH 58°42'34" WEST, 31.96 FEET TO A POINT OF NON-TANGENT CURVATURE, SAID POINT LIES ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF BRANDIS COURT; THENCE ALONG THE NORTHERLY BOUNDARY OF SAID LOT 4 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF BRANDIS COURT, ALONG A 170.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 18°11'42" (THE CHORD OF WHICH BEARS NORTH 60°21'50" EAST, 53.76 FEET) TO THE POINT OF BEGINNING.

THIS DESCRIPTION CONTAINS 6,367 SQUARE FEET, MORE OR LESS.

HEREIN BEARINGS ARE BASED UPON THE OREGON COORDINATE REFERENCE SYSTEM, BEND-REDMOND-PRINEVILLE ZONE.

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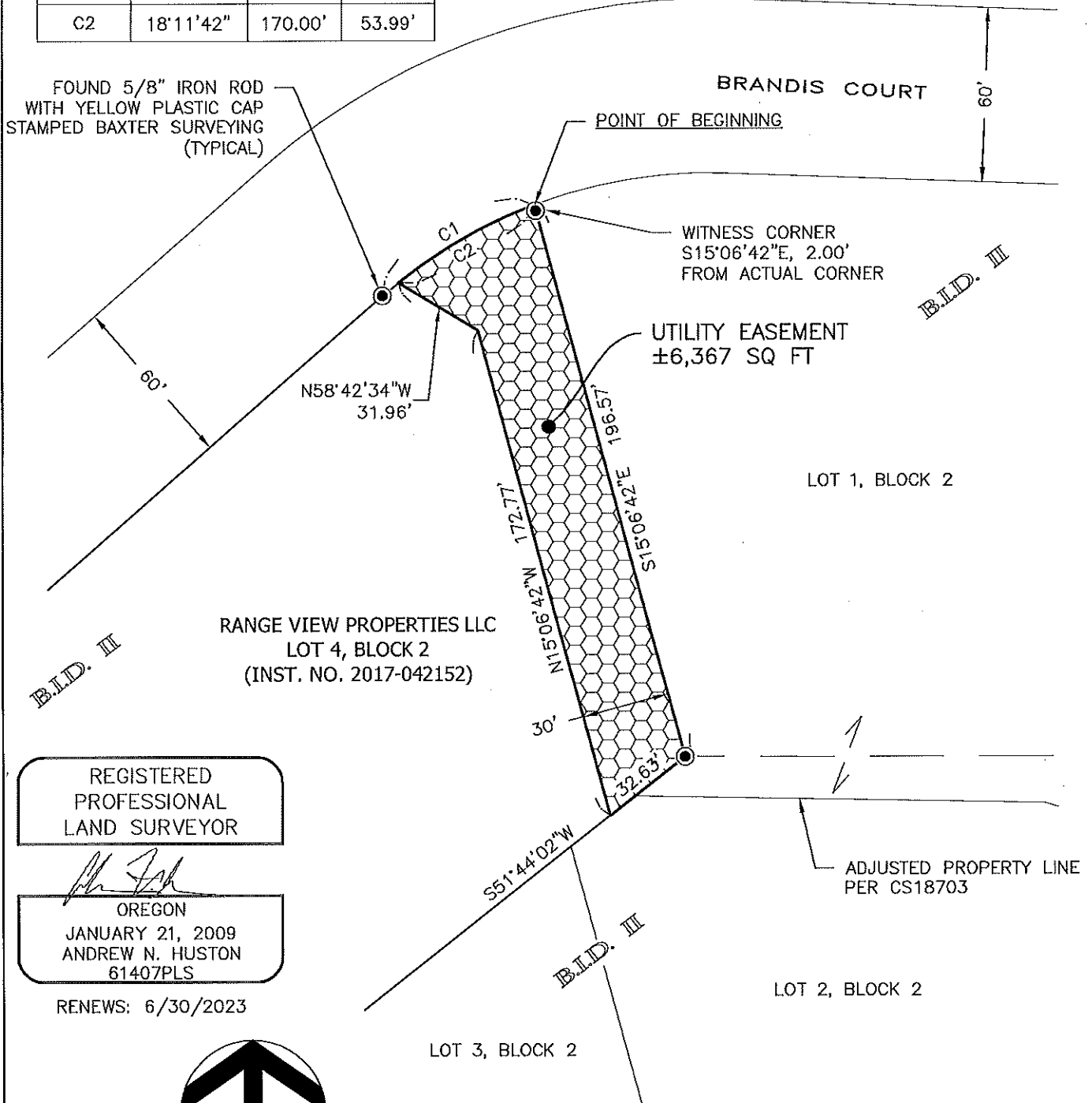
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EXHIBIT C

UTILITY EASEMENT EXHIBIT
 OVER AND ACROSS LOT 4, BLOCK 2, B.I.D. II
 LOCATED IN THE SW1/4 OF SECTION 16,
 TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.
 CITY OF BEND, DESCHUTES COUNTY, OREGON

CURVE TABLE			
CURVE NO	DELTA	RADIUS	LENGTH
C1	20°34'43"	170.00'	61.06'
C2	18°11'42"	170.00'	53.99'

FOUND 5/8" IRON ROD
 WITH YELLOW PLASTIC CAP
 STAMPED BAXTER SURVEYING
 (TYPICAL)



RANGE VIEW PROPERTIES LLC
 LOT 4, BLOCK 2
 (INST. NO. 2017-042152)

LOT 1, BLOCK 2

LOT 2, BLOCK 2

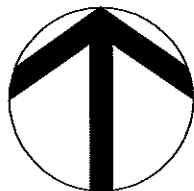
LOT 3, BLOCK 2

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