

## RESOLUTION NO. 3353

### A RESOLUTION EXERCISING THE POWER OF EMINENT DOMAIN FOR A PORTION OF THE 2024 NEIGHBORHOOD STREET SAFETY PROGRAM

#### Findings

- A. The City of Bend 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 project known as the 2024 Neighborhood Street Safety Program (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. The City contracted with AKS Engineering and Forestry for design services in April 2023 to design these projects.
- D. To accomplish this Project, it is necessary to acquire the interests in property described and shown in Exhibit 1.

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 property interests 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 the properties and interests in property described in Exhibit 1. The property interests are acquired subject to payment of just compensation and subject to procedural requirements of Oregon law.
- Section 3. On behalf of the City, the City Manager or designee is authorized and requested to attempt to agree with the owners 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, the City Manager or designee is

authorized to commence and prosecute condemnation proceedings for the purpose of acquiring the property interests described and shown in Exhibit 1.


Section 4. The City of Bend expressly reserves 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 the City Council on January 3, 2024.

YES: Mayor Melanie Kebler  
Mayor Pro Tem Megan Perkins  
Councilor Barb Campbell  
Councilor Anthony Broadman  
Councilor Ariel Méndez  
Councilor Mike Riley  
Councilor Megan Norris

NO: none

  
\_\_\_\_\_  
Melanie Kebler, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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



AKS ENGINEERING & FORESTRY  
2777 NW Lolo Drive, Suite 150, Bend, OR 97703  
P: (541) 317-8429

AKS Job #9911 ST1

OFFICES IN: BEND, OR | KEIZER, OR | THE DALLES, OR | TUALATIN, OR | VANCOUVER, WA | WHITE SALMON, WA

## EXHIBIT A

### Right-of-Way Dedication

A tract of land located in the Southwest Quarter of the Northeast Quarter of Section 20, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, and being more particularly described as follows:

Beginning at the southwest corner of "Archie Briggs Condominium" recorded March 16, 2009, as Instrument Number 2009-10633, Deschutes County Official Records, being on the northerly right-of-way line of Archie Briggs Road (40.00 feet from centerline); thence along said right-of-way line (varying in width from centerline), South  $00^{\circ}28'27''$  West 10.00 feet; thence continuing along said right-of-way line (30.00 feet from centerline), North  $89^{\circ}37'54''$  West 70.32 feet; thence leaving said right-of-way line, North  $76^{\circ}13'25''$  East 40.92 feet to a line parallel with and 10.00 feet north of said right-of-way line; thence along said parallel South  $89^{\circ}37'54''$  East 30.65 feet to the Point of Beginning.

The above tract of land contains 505 square feet more or less.

Bearings for this description are based on the Central Oregon Coordinate System, derived from the Oregon Real Time GNSS Network, Deschutes 13 Transformation.

12/5/2023

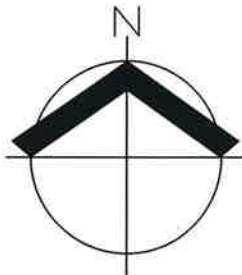
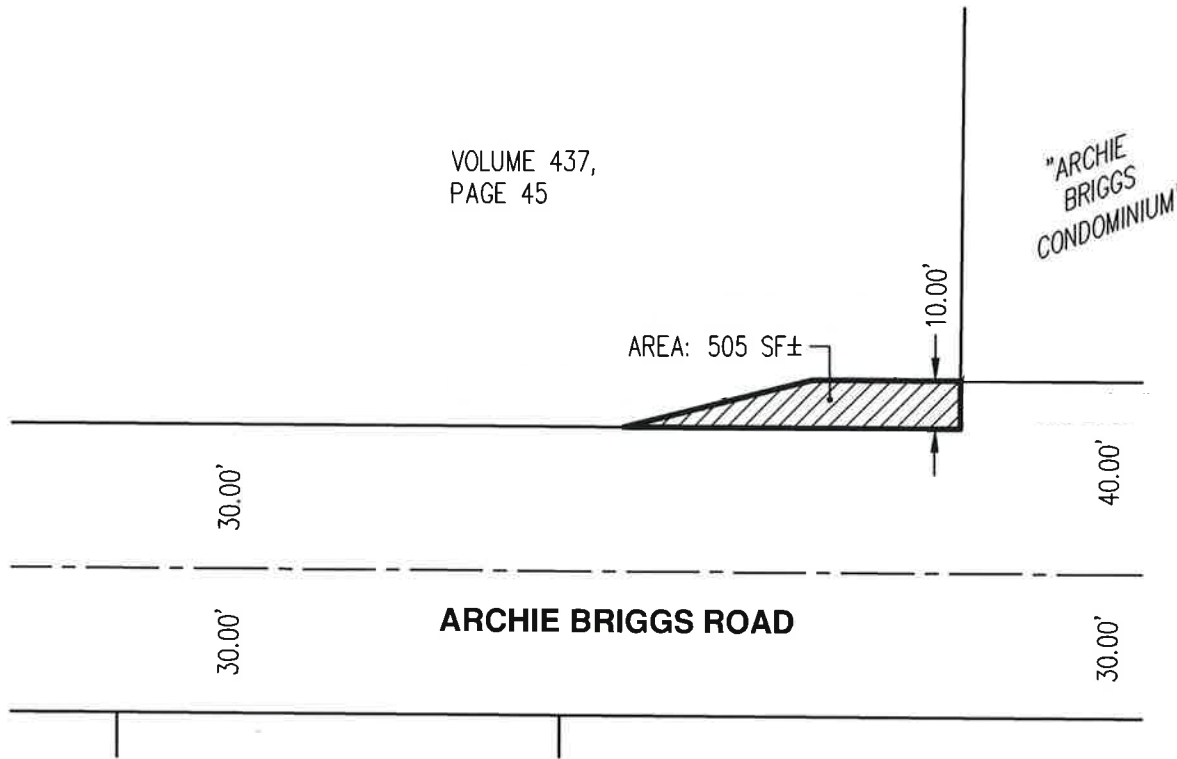
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
MAY 11, 2021  
JACOB ALLEN CARSON  
94570PLS

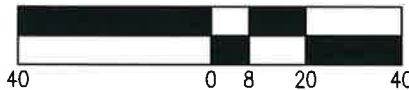
RENEWS: 12/31/25

# EXHIBIT B

A TRACT OF LAND LOCATED IN THE SW 1/4 OF THE NE 1/4 OF  
 SEC. 20, T17S, R12E, W.M.,  
 CITY OF BEND, DESCHUTES COUNTY, OREGON



SCALE: 1" = 40 FEET



PREPARED FOR  
 CITY OF BEND  
 710 NW WALL ST.  
 BEND, OR 97703

12/5/2023

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
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RENEWS: 12/31/25

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



RIGHT-OF-WAY DEDICATION

TL: 171220AC00300
DRWN: JAC CHKD: PDF
AKS JOB: 9911 EXHIBIT B



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## EXHIBIT A

### Easement Area

A tract of land located in the Southwest Quarter of the Northeast Quarter of Section 20, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, and being more particularly described as follows:

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The above tract of land contains 1,061 square feet more or less.

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12/15/2023

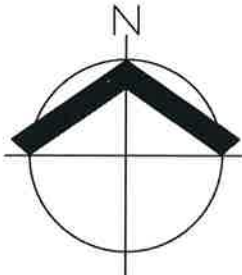
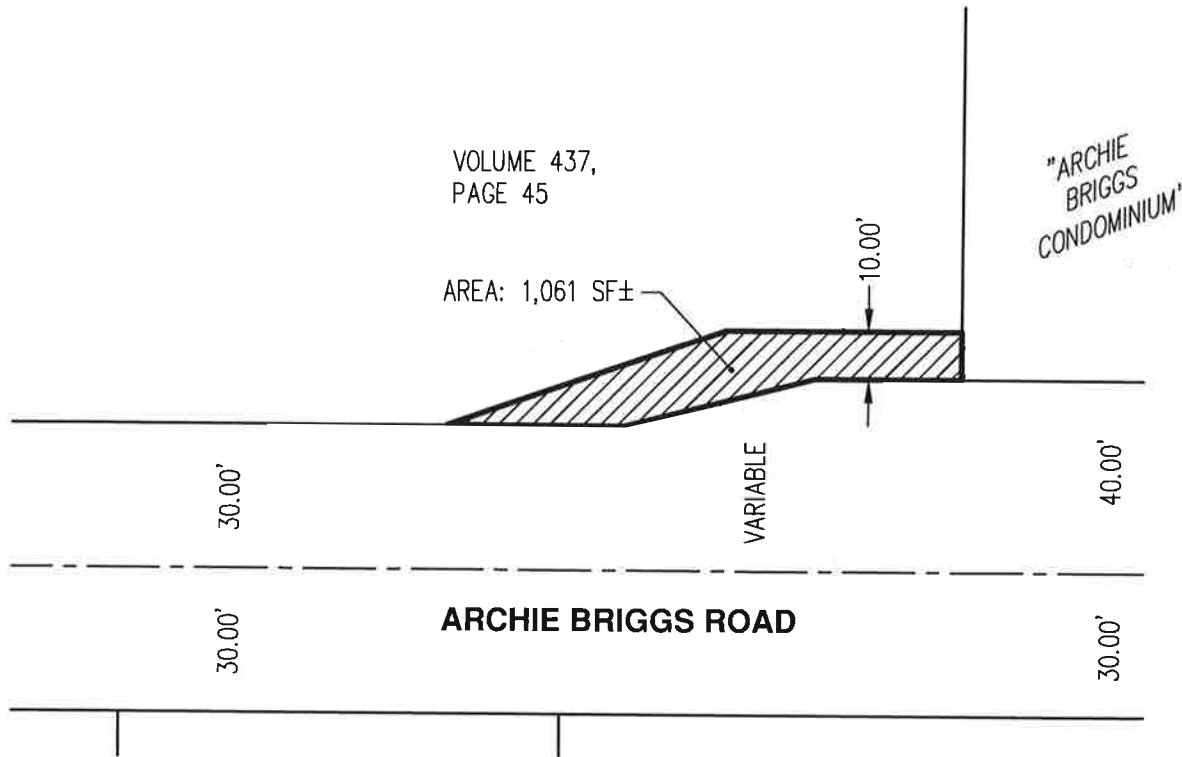
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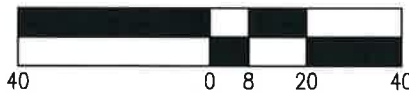
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EASEMENT AREA

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