

RESOLUTION NO. 3354

A RESOLUTION DECLARING THE NEED TO ACQUIRE CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING THE EXERCISE OF EMINENT DOMAIN FOR THE EXTENSION OF YEOMAN ROAD

Findings

- A. The City of Bend ("City") has the authority to exercise the power of eminent domain under Oregon law, including but not limited to the City of Bend Charter, ORS 223.005, 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. 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 City has required the developer of the Petrosa Master Plan Area to extend Yeoman Road from Deschutes Market Road to Butler Market Road, as part of the transportation mitigation for the Petrosa Master Plan Development pursuant to Bend Development Code section 2.7.3980. The extension of Yeoman Road requires the construction of a bridge (the "Bridge Project") over the North Unit Main Canal. The canal and its appurtenances are owned by the United States and are operated and maintained by the North Unit Irrigation District under contract with the United States. On completion, the Bridge Project will be accepted by the City as part of the City's public road infrastructure.
- D. To accomplish the Bridge Project, it is necessary to acquire in fee the property described in Exhibit A and depicted in Exhibit B, subject to rights reserved to, or previously or contemporaneously exercised or acquired by the United States (the "Property"). The City seeks to acquire the Property in fee, notwithstanding any reference to "right-of-way dedication" on the Exhibit B depiction map.

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 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 2. The Council authorizes the exercise of its power of eminent domain with respect to the acquisition of the Property, which shall be acquired subject to applicable requirements of Oregon law, including the payment of just compensation and any applicable damages to the remaining property.

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 the Property. 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 acquire the Property, and that upon the filing of such proceeding, possession of the Property may be taken immediately to the extent provided by law. 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 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



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AKS Job #6777

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

EXHIBIT A

A tract of land located in the Southeast Quarter of the Southwest Quarter, of Section 14, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, and being more particularly described as follows:

Commencing at the Southwest corner of said Southeast Quarter of the Southwest Quarter, of Section 14; thence along the south line of said Section 14, also being the centerline of Yeoman Road; South 89°58'58" East 610.91 feet; thence leaving said centerline, North 00°01'02" East 20.00 feet to the north right-of-way line of Yeoman Road (20.00 feet from centerline), also being the southeast corner of the lands described in Instrument Number 2021-71361, Deschutes County Official Records, and the Point of Beginning; thence along the east line of said Instrument Number 2021-71361, North 15°43'02" East 20.78 feet to a line that is parallel with and 20.00 feet northerly of said north right-of-way line of Yeoman Road; thence along said parallel line, South 89°58'58" East 190.64 feet to the west line of the lands described in Instrument Number 2020-50982, Deschutes County Official Records; thence along said west line the following courses: along a non-tangent curve to the right with a Radius of 643.00 feet (Radius Point bears North 77°34'42" West), a Central Angle of 00°21'32", an Arc Length of 4.03 feet, and a Chord of South 12°36'04" West; thence South 12°46'49" West 16.48 feet to said north right-of-way line of Yeoman Road; thence along said north right-of-way line, North 89°58'58" West 191.74 feet to the Point of Beginning.

The above tract of land contains 3,824 square feet, more or less.

The bearings for this description are based on County Survey Number 20165, by Michael S. Kalina, filed March 18, 2020, Deschutes County Surveyors Office.

7/22/22
REGISTERED
PROFESSIONAL
LAND SURVEYOR


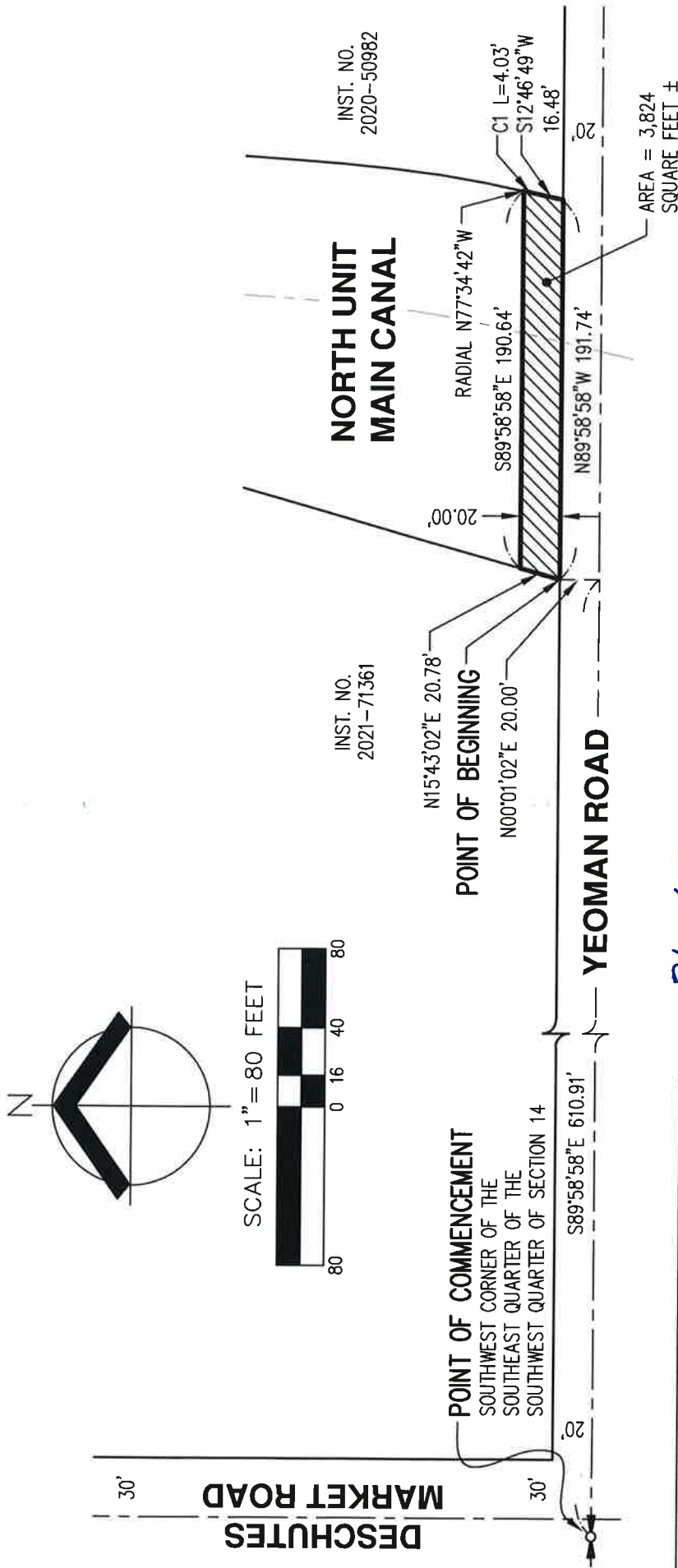
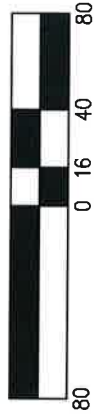

OREGON
MAY 11, 2021
JACOB ALLEN CARSON
94570PLS
RENEWS: 12/31/23

EXHIBIT B

A TRACT OF LAND LOCATED IN THE SE 1/4 OF THE SW 1/4 OF SEC. 14,
T17S, R12E, W.M., CITY OF BEND, DESCHUTES COUNTY, OREGON



SCALE: 1" = 80 FEET



CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	643.00'	0°21'32"	4.03'
			CHORD
			S12°36'04"W 4.03'

7/22/22

REGISTERED
PROFESSIONAL
LAND SURVEYOR

BASIS OF BEARINGS
THE BEARINGS FOR THIS EXHIBIT ARE BASED ON COUNTY
SURVEY NUMBER 20165, BY MICHAEL S. KALINA, FILED ON
MARCH 18, 2020, DESCHUTES COUNTY SURVEYORS OFFICE.

OREGON
MAY 11, 2021
JACOB ALLEN CARSON
94570PLS
RENEWS: 12/31/23

PREPARED FOR
PAHLISCH HOMES, INC.
210 SW WILSON AVE, SUITE 100
BEND, OR 97702

RIGHT-OF-WAY DEDICATION	EXHIBIT B
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM	AKS
	DRWN: JBS CHKD: JAC AKS JOB: 6777