

RESOLUTION 3225
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 223.105 and ORS Chapter 35 when deemed necessary by the City of Bend's governing body to accomplish public purposes.
- B. The City has the authority to engage in activities that promote the health, safety, benefit and general welfare of the public and is authorized to acquire, own, construct, and operate utilities and sewer systems within and without city limits.
- C. The project known as Phase 2 of the Southwest Sewer Basin Improvements has been planned in accordance with appropriate engineering standards for the construction of sanitary sewer infrastructure so that health and property damage risk is minimized, economic development promoted, and environmental laws upheld.
- D. To accomplish this project it is necessary to acquire the interests in property described in Attachment A.

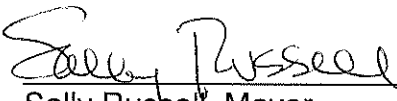
Based on these findings, the City Council of the City of Bend resolves as follows:

- 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 the property and interest in property described in Attachment A. The easement is 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 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, the City Manager or designee is authorized to commence and prosecute condemnation proceedings for the purpose of acquiring the easement described in Attachment A.
- 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 roll call vote of the Bend City Council on November 4, 2020.

| | | |
|------|-----------------------|----------|
| YES: | Sally Russell, Mayor | NO: none |
| | Bruce Abernethy | |
| | Barb Campbell | |
| | Bill Moseley | |
| | Justin Livingston | |
| | Gena Goodman-Campbell | |
| | Chris Piper | |


Sally Russell, Mayor

ATTEST:


Robyn Christie, City Recorder

Approved as to form:


Mary Winters, City Attorney

Attachment A

RESOLUTION EXERCISING THE POWER OF EMINENT DOMAIN

Southwest Sewer Basin Study & Phase 2 Sewer Extension Design (1SAMM)

Enclosed:

Legal description and exhibit for a temporary construction easement to be acquired at:

61021 Hwy 97
Bend, OR 97702

Property Owners:

WINCO HOLDINGS INC
C/O TAX DEPARTMENT
PO BOX 5756
BOISE, ID 83705-0756

