

## RESOLUTION NO. 3241

### EXERCISING THE POWER OF EMINENT DOMAIN

#### 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-Build Agreement with K&E Excavating for the Columbia Roundabout Improvements Project (1TCSR) on December 16, 2020. The Columbia Roundabout Improvements Project includes two new roundabouts at the intersections of SW Columbia Street / SW Colorado Avenue and SW Columbia Street / SW Simpson Avenue (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. To accomplish this Project, it is necessary to acquire the interests in property described in the 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 properties 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 Attachment A. Each is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law.
- 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 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 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 motion of the Bend City Council on January 20, 2021.

Sally Russell

Sally Russell, Mayor

Attest:

Robyn Christie  
Robyn Christie, City Recorder

Approved as to form:



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Mary A. Winters, City Attorney



**EXHIBIT A**  
**CITY OF BEND**  
**SW COLUMBIA STREET AND SW SIMPSON AVENUE ROUNDABOUT**

**PUBLIC RIGHT-OF-WAY DEDICATION**

A TRACT OF LAND LYING IN LOT 1, BLOCK 5 OF THE PLAT "SHEVLIN CENTER" IN THE CITY OF BEND, DESCHUTES COUNTY OREGON, AND BEING A PORTION OF THAT PROPERTY DESCRIBED IN THAT SPECIAL WARRANTY DEED TO PACIFICORP, RECORDED APRIL 30, 2003 IN VOLUME 2003, PAGE 28609, DESCHUTES COUNTY OFFICIAL RECORDS; SAID TRACT BEING THAT PORTION OF SAID PROPERTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF SW SIMPSON AVENUE, MARKED BY A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CWEC", THENCE NORTH 89° 40' 06" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY, 8.85 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION;**

THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY, NORTH 89° 40' 06" EAST, 15.06 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF SW COLUMBIA STREET (40.00 FEET FROM CENTERLINE); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY SOUTH 00° 08' 46" EAST, 21.25 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY NORTH 35° 32' 52" WEST, 26.00 FEET TO THE TRUE POINT OF BEGINNING AND THE END OF THIS DESCRIPTION;

HEREIN DESCRIPTION CONTAINS 160 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON COUNTY SURVEY NO. 20366, FILED NOVEMBER 19, 2020 DESCHUTES COUNTY SURVEYOR'S OFFICE.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

Digitally signed by Brian Coursen  
Date: 2021.01.06 15:07:11 -08'00'

OREGON  
DECEMBER 11, 2012  
BRIAN C. COURSEN  
86998

Renews: 12-31-2021

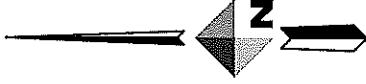
PARCEL 2  
PARTITION PLAT  
1998-56

PARCEL 2  
PARTITION PLAT  
2008-06

SW SIMPSON AVENUE

POINT OF COMMENCEMENT  
5/8" IRON ROD WITH YELLOW  
PLASTIC CAP STAMPED "CWEC"

40.00



30 0 30  
SCALE IN FEET

LEGEND

PUBLIC RIGHT OF WAY DEDICATION  
(R/W DEDICATION)

THIS DESCRIPTION WAS WRITTEN WITHOUT THE  
BENEFIT OF A TITLE REPORT WHICH MAY REVEAL  
RESTRICTIONS OR EASEMENTS OF RECORD, AS SUCH  
NONE ARE SHOWN

SW COLUMBIA STREET  
21.25' 40.00' 26.00'  
S00.08'46"E N35°32'52"W 26.00'  
N89°40'06"E 8.85' 15.00'  
RIGHT OF WAY  
DEDICATION  
160 SQ. FT.±

TRUE POINT OF  
BEGINNING  
SPECIAL WARRANTY DEED  
2003-28609  
PACIFICORP

LOT 1  
SHEMLIN CENTER,  
PHASE 2  
BEARINGS BASED ON DESCHUTES  
COUNTY SURVEY NO. 20366

PROJECT 14644-01  
DATE 01-06-2020

EXHIBIT B

**DOWL**  
www.dowl.com  
963 SW Simpson Avenue, #200  
Bend, Oregon 97702  
541-385-4772

**SIMPSON AND COLUMBIA ROUNDABOUT**  
PUBLIC RIGHT OF WAY DEDICATION  
TAX MAP & LOT 181206A0 01200  
PACIFICORP



**Bend Metropolitan Park and Recreation District**  
Map and Taxlot 181206AA01603  
Page 1 of 1

**EXHIBIT A**  
**CITY OF BEND**  
**SW COLUMBIA STREET AND SW SIMPSON AVENUE ROUNDABOUT**

**PUBLIC RIGHT-OF-WAY DEDICATION**

A TRACT OF LAND LYING IN PARCEL 2 OF PARTITION PLAT 2008-06 IN THE CITY OF BEND, DESCHUTES COUNTY OREGON, AND BEING A PORTION OF THAT PROPERTY DESCRIBED IN THAT STATUTORY BARGAIN AND SALE DEED TO BEND METROPOLITAN PARK AND RECREATION DISTRICT, RECORDED DECEMBER 23, 2011 IN VOLUME 2011, PAGE 45688, DESCHUTES COUNTY OFFICIAL RECORDS; SAID TRACT BEING THAT PORTION OF SAID PROPERTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL 2, MARKED BY A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "WHPACIFIC", THENCE NORTH 80° 32' 10" WEST ALONG THE NORTHERLY RIGHT-OF-WAY OF SW SIMPSON AVENUE (50.00 FEET FROM CENTERLINE), 449.21 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION;**

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY, NORTH 80° 32' 10" WEST, 21.06 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE ALONG THE ARC OF A 55.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 45° 17' 36", AN ARC LENGTH OF 43.48 FEET (THE CHORD OF WHICH BEARS NORTH 22° 47' 34" WEST A DISTANCE OF 42.36 FEET) TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF SW COLUMBIA STREET (40.00 FEET FROM CENTERLINE);

THENCE NORTH 00° 08' 46" WEST, 95.72 FEET ALONG SAID EASTERLY RIGHT-OF-WAY; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY SOUTH 24° 32' 34" EAST, 67.54 FEET; THENCE SOUTH 06° 57' 29" EAST, 77.36 FEET TO THE SAID NORTHERLY RIGHT-OF-WAY AND THE TRUE POINT OF BEGINNING;

HEREIN DESCRIPTION CONTAINS 3,062 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON COUNTY SURVEY NO. 20366, FILED NOVEMBER 19, 2020 DESCHUTES COUNTY SURVEYOR'S OFFICE.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

Digitally signed by Brian Coursen  
Date: 2021.01.06 15:12:01 -08'00'

OREGON  
DECEMBER 11, 2012  
BRIAN C. COURSEN  
86998

Renews: 12-31-2021

### Curve Table

CURVE #	RADIUS	ARC LENGTH	DELTA	CHORD
C1	55.00'	43.48'	45°17'36"	N22°47'34"W 42.36'

### LEGEND

PUBLIC RIGHT OF WAY DEDICATION  
(R/W DEDICATION)

THIS DESCRIPTION WAS WRITTEN WITHOUT THE  
BENEFIT OF A TITLE REPORT WHICH MAY REVEAL  
RESTRICTIONS OR EASEMENTS OF RECORD, AS SUCH  
NONE ARE SHOWN

PARCEL 2  
PARTITION PLAT  
1998-56

40.00'

SW COLUMBIA STREET

STATUTORY BARGAIN AND SALE DEED  
2011-45688  
BEND METROPOLITAN PARKS AND  
RECREATION DISTRICT

RIGHT OF WAY  
DEDICATION  
3.062 SQ. FT.±

S24°32'34"E 67.54'  
N00.08.46"W 95.72'

77.36'

S06°57'29"E 77.36'  
C1 L=43.48'

21.06'

POINT OF COMMENCEMENT  
PARCEL 2, PP 2008-06,  
RESET IN CSI8624

449.21'

N80°32'10"W 470.26'

50.00'

SW SIMPSON AVENUE

40  
0

SCALE IN FEET  
LOT 1, BLOCK 5  
SHEVIL CENTER

BEARINGS BASED ON DESCHUTES  
COUNTY SURVEY NO. 20366

**DOWL**

www.dowl.com  
963 SW Simpson Avenue, #200  
Bend, Oregon 97702  
541-365-4772

PROJECT 14644-01  
DATE 01-05-2020

EXHIBIT B

SIMPSON AND COLUMBIA ROUNDABOUT  
PUBLIC RIGHT OF WAY DEDICATION  
TAX MAP & LOT 181206AA 01603  
BEND METROPOLITAN PARK AND RECREATION DISTRICT