

RESOLUTION NO. 3287
EXERCISING THE POWER OF EMINENT DOMAIN:
WILSON AVENUE CORRIDOR – WILSON AND 15TH

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 Agreement with Kittelson & Associates Inc. for the Traffic Signal Improvements Project (1TTSI) on July 15, 2020, now called the Wilson Avenue Corridor Project (1GWAC) from 2nd Street to Douglas Street and a Design Agreement with DOWL for 1GWAC from Douglas Street to 15th Street. The Wilson Avenue Corridor Project includes a signal modernization at 3rd and Wilson, intersection modernization at 2nd and Wilson, single lane roundabouts at 9th and Wilson and 15th and Wilson, and roadway widening and modernization along Wilson from 2nd to 15th (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 a portion of this Project, including the Wilson and 15th roundabout improvement, it is necessary to acquire the interests in property described and shown in the attached Exhibits A and B.

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 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 interests in the property described and shown in the attached Exhibits A & B. It 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 February 2, 2022.

YES: Mayor Sally Russell

NO: None

Mayor Pro Tem Gena Goodman-Campbell

Councilor Melanie Kebler

Councilor Anthony Broadman

Councilor Megan Perkins

Councilor Rita Schenkelberg



Sally Russell, Mayor

Attest:



Robyn Christie, City Recorder

Approved as to form:



Mary A. Winters, City Attorney

RESOLUTION NO. 3287

Page 2 of 2



EXHIBIT A
City of Bend
Wilson Corridor Improvements

Parcel 1 - Public Right-of-Way Dedication

A tract of land lying in Lot 6, Block 8 of CARRIAGE ADDITION NO. II, City of Bend, Deschutes County, Oregon and being a portion of the property described as "Parcel IV" in that Statutory Bargain and Sale Deed to Pacific River Properties LLC, recorded October 15, 2019 as Volume 2019, Page 39378 Deschutes County Official Records; said tract being that portion of said property described as follows:

Commencing at the southeast corner of said Lot, marked by a 1/2" iron rod; thence South 89°34'13" West along the south line of said Lot, 21.07 feet to the **true point of beginning**; thence continuing along the south line of said Lot, South 89° 34' 13" West, 128.83 feet to the easterly right of way of SE 15th Street; thence leaving the south line of said Lot 6 along said easterly right of way North 00° 12' 49" East, 168.23 feet; thence leaving said easterly right of way, South 09° 29' 07" East, 55.69 feet; thence South 00° 00' 25" West, 96.50 feet; thence South 33° 52' 06" East, 13.72 feet; thence North 88° 16' 49" East, 110.98 feet; thence South 03° 18' 18" East, 7.78 feet to the southerly line of said Lot 6 and the **true point of beginning**;

This tract of land contains 2,153 square feet, more or less.

Bearings are based on the Central Oregon Coordinate System, Deschutes 13 transformation.

Subject to any easements, restrictions, and rights of way of record and those common and apparent on the land.

Parcel 2 - Temporary Construction Easement (2 years or duration of project, whichever is sooner)

A tract of land lying in Lot 6, Block 8 of CARRIAGE ADDITION NO. II, City of Bend, Deschutes County, Oregon and being a portions of the property described as "Parcel III, Parcel IV and Parcel V" in that Statutory Bargain and Sale Deed to Pacific River Properties LLC, recorded October 15, 2019 as Volume 2019, Page 39378 Deschutes County Official Records; said tract being that portion of said property described as follows:

Commencing at the southeast corner of said Lot, marked by a 1/2" iron rod; thence South 89°34'13" West along the south line of said Lot, 21.07 feet to the **true point of beginning**; thence leaving said south line, thence North 03° 18' 18" West, 7.78 feet; thence South 88° 16' 49" West, 110.98 feet; thence North 33° 52' 06" West, 13.72 feet; thence North 00° 00' 25" East, 96.50 feet; thence North 09° 29' 07" West, 55.69 feet to the easterly right of way of SE 15th Street; thence North 00° 12' 49" East along said easterly right of way, 53.42 feet; thence leaving said easterly right of way South 09° 29' 07" East, 109.10 feet; thence South 00° 00' 25" West, 94.50 feet; thence South 33° 52' 06" East, 6.01 feet; thence



Pacific River Properties LLC
Map and Taxlot 181203BC 04403
Page 2 of 2

North 88° 16' 49" East, 114.76 feet; thence South 03° 18' 18" East, 16.99 feet to a point on the southerly line of said Lot 6; thence South 89° 34' 13" West along said southerly line, 9.01 feet to the **true point of beginning**;

This tract of land contains 2,817 square feet, more or less.

Bearings are based on the Central Oregon Coordinate System, Deschutes 13 transformation.

Subject to any easements, restrictions, and rights of way of record and those common and apparent on the land.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Digitally signed by Brian Coursen
Date: 2022.01.20 06:50:16 -08'00'

OREGON
DECEMBER 11, 2012
BRIAN C. COURSEN
86998

Renews: 12-31-2023

-EAST 1/4 CORNER, SECTION 4
FOUND 5/8" REBAR, BENT
N: 380,673.96
E: 3,299,883.23

NORTHWEST CORNER LOT 6, BLOCK 8 ~
CARRIAGE ADDITION NO. II
FOUND 5/8" REBAR, NO CAP

SE 15TH STREET

SECTION 4

SECTION 3

- PARCEL 1
R/W DEDICATION
2,153 S.F.±

30,00'

LEGEND



**PUBLIC RIGHT OF WAY DEDICATION
RW DEDICATION**

30 0 30

POINT OF COMMENCEMENT
SOUTHEAST CORNER LOT 6, BLOCK 8,
CARRIAGE ADDITION NO. II
30 FOUND 1/2" IRON ROD

SCALE IN FEET

PROJECT 14670-01
DATE 1/20/2022

EXHIBIT B

963 SW Simpson Avenue, #200
Bend, Oregon 97702
541-385-4772

**WILSON CORRIDOR IMPROVEMENTS
TAX MAP & LOT 181203BC 04403
PACIFIC RIVER PROPERTIES LLC**

PROJECT	14670-01
DATE	1/20/2022
EXHIBIT B	