

## RESOLUTION NO. 3418

### A RESOLUTION DECLARING THE NEED TO ACQUIRE CERTAIN REAL PROPERTY FOR PUBLIC USE AND AUTHORIZING THE EXERCISE OF EMINENT DOMAIN FOR THE CONSTRUCTION OF YEOMAN ROAD FROM PURCELL BOULEVARD TO 18<sup>th</sup> STREET

#### 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.
- C. The construction of Yeoman Road from Purcell Boulevard to 18<sup>th</sup> Street (the "Project") is necessary for public use and the continued growth, transportation, safety, and welfare of the community.
- D. To accomplish this Project, it is necessary to acquire the easement legally described in Exhibit A and depicted in Exhibit B (the "easement").

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 easement being acquired is necessary for the construction and completion 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 easement, 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 of the property on which the easement is located, and other persons in interest as to the compensation to be paid for the easement. 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 easement, and that upon the filing of such proceeding, rights

to the easement may be taken and exercised 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 motion of the Bend City Council on February 19, 2025.

YES: Kebler, Perkins, Franzosa, Méndez, Riley, Norris, Platt

NO: None



Melanie Kebler, Mayor

Attest:



Morgen Fry

Morgen Fry, City Recorder

Approved as to form:



Ian Leitheiser

Ian Leitheiser, City Attorney



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

AKS Job #6777 18<sup>th</sup> Yeoman

## EXHIBIT A

### Easement Area

A portion of Parcel 3 of Partition Plat Number 2001-03, located in the Southeast Quarter of the Southwest Quarter of Section 15, 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 Parcel 3 of Partition Plat 2001-03, Partition Plat Cabinet 2, Page 147, recorded January 18, 2001, Deschutes County Official Records, located on the northerly right-of-way line of Yeoman Road (40.00 feet from centerline), and the easterly right-of-way line of NE 18<sup>th</sup> Street (varying in width from centerline); thence along said easterly right-of-way line, North 00°04'30" West 15.00 feet to a line that is parallel with and 15.00 feet north of said northerly right-of-way line; thence along said parallel line, North 89°50'42" East 139.03 feet; thence leaving said parallel line, North 00°09'18" West 5.00 feet to a line that is parallel with and 20.00 feet north of said northerly right-of-way line; thence along said parallel line, North 89°50'42" East 97.64 feet; thence leaving said parallel line, North 15°46'19" East 39.77 feet; thence North 73°09'51" East 15.64 feet to the west right-of-way line of the COID Pilot Butte Canal (50.00 feet from centerline); thence along said west right-of-way line, South 20°03'42" West 6.31 feet to the easterly line of said Parcel 3; thence along said easterly line on the following courses: South 72°23'44" West 3.99 feet; thence South 28°13'43" West 20.25 feet; thence South 06°32'27" West 15.87 feet; thence South 32°05'15" West 19.67 feet; thence South 39°46'19" West 6.97 feet to said northerly right-of-way line; thence along said northerly right-of-way line, South 89°50'42" West 251.05 feet to the Point of Beginning.

The above tract of land contains 4,653 square feet more or less.

The bearings for this description are based on County Survey 21394.

1/27/2025

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*[Signature]*  
OREGON  
MAY 11, 2021  
JACOB ALLEN CARSON  
94570PLS  
RENEWS: 12/31/25





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94570PLS  
RENEWS: 12/31/25

# EXHIBIT B

A PORTION OF PARCEL 3 OF PARTITION PLAT NUMBER 2001-03,  
LOCATED IN THE SE 1/4 OF THE SW 1/4 OF SEC. 15, T17S, R12E,  
W.M., CITY OF BEND, DESCHUTES COUNTY, OREGON

