

RESOLUTION NO. 3426

A RESOLUTION OF THE CITY COUNCIL EXERCISING THE POWER OF EMINENT DOMAIN FOR THE OLNEY PEDESTRIAN AND BICYCLE IMPROVEMENTS PROJECT

Findings

- A. The City of Bend has the authority to exercise the power of eminent domain under Oregon law, including but not limited to the City of Bend Charter, ORS 223.105, and ORS Chapter 35, when deemed necessary by the City'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 people traveling by all modes, including bicycles and pedestrians. 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 the City 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 project known as the Olney Pedestrian and Bicycle Improvements project (the "Project") has been planned in accordance with appropriate engineering standards for the construction of pedestrian and bicycle street improvements.
- D. On July 17, 2024, the City adopted Resolution No. 3396, authorizing the exercise of eminent domain for property interests needed for the Project.
- E. Subsequent to adopting Resolution No. 3396, the City also has determined that it is necessary to acquire the additional property interests described and shown in Attachment A ("Property Interests") for the Project.

Now, therefore, based on these findings,

THE CITY COUNCIL OF THE CITY OF BEND RESOLVES AS FOLLOWS:

- 1. The Council accepts the Findings as facts in support of this Resolution. The Property Interests 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.
- 2. The Council authorizes the City to acquire the Property Interests through the exercise of eminent domain.

3. On behalf of the City, the City Manager or designee is authorized and requested to attempt to agree with the owners 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 Property Interests.

4. The City expressly reserves jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality, or locality, and to change or abandon any acquisition.

5. This Resolution takes effect immediately upon adoption.

Adopted by the Bend City Council on May 21, 2025.

YES: Kebler, Méndez, Norris, Platt, Riley

NO: Franzosa



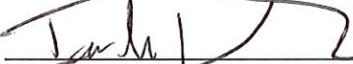
Melanie Kebler, Mayor

ATTEST:



Ashley Bontje, City Recorder's Office

Approved as to form:



Jan Leitheiser, City Attorney

Resolution – Attachment A

EXHIBIT A

TAX LOT 3202 TAX MAP 17 12 32AA

PERMANENT ACCESS EASEMENT

A TRACT OF LAND BEING A PORTION OF PARCEL 1 OF THOSE LANDS DESCRIBED IN STATUTORY WARRANTY DEED 2021-69480, DESCHUTES COUNTY OFFICIAL RECORDS, LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 32, TOWNSHIP 17 SOUTH, RANGE 12 EAST, CITY OF BEND, DESCHUTES COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "DEA INC" MARKING THE NORTHWEST CORNER OF SAID PARCEL 1, LOCATED ON THE SOUTH RIGHT-OF-WAY LINE OF NORTHWEST OLNEY AVENUE (BEING 40.00 FEET FROM CENTER WHEN MEASURED AT RIGHT ANGLES); THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: NORTH 46°14'21" EAST 79.47 FEET TO A POINT OF CURVATURE; THENCE 41.78 FEET ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 235.00 FEET, THROUGH A CENTRAL ANGLE OF 10°11'07", CHORD OF WHICH BEARS NORTH 51°19'54" EAST 41.72 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ON SAID RIGHT-OF-WAY LINE 34.03 FEET ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 235.00 FEET, THROUGH A CENTRAL ANGLE OF 08°17'48", CHORD OF WHICH BEARS NORTH 60°34'22" EAST 34.00 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE SOUTH 29°30'39" EAST 25.40 FEET TO A POINT OF CURVATURE; THENCE 20.60 FEET ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 40.00 FEET, THROUGH A CENTRAL ANGLE OF 29°30'39", CHORD OF WHICH BEARS SOUTH 14°45'20" EAST 20.38 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°00'00" EAST 27.48 FEET TO A POINT OF CURVATURE; THENCE 31.42 FEET ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00", CHORD OF WHICH BEARS SOUTH 45°00'00" WEST 28.28 FEET TO A POINT OF TANGENCY; THENCE NORTH 90°00'00" WEST 87.23 FEET; THENCE NORTH 47°01'44" EAST 14.67 FEET; THENCE NORTH 90°00'00" EAST 76.49 FEET TO A POINT OF CURVATURE; THENCE 15.71 FEET ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 10.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00", CHORD OF WHICH BEARS NORTH 45°00'00" EAST 14.14 FEET TO A POINT OF TANGENCY; THENCE NORTH 00°00'00" EAST 7.46 FEET TO A POINT OF CURVATURE; THENCE 7.35 FEET ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 10.00 FEET, THROUGH A CENTRAL ANGLE OF 42°06'46", CHORD OF WHICH BEARS NORTH 21°03'23" WEST 7.19 FEET TO A POINT OF TANGENCY; THENCE NORTH 42°06'46" WEST 51.80 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 2,623 SQUARE FEET MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD AND THOSE COMMON AND APPARENT ON THE LAND.

BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE CENTRAL OREGON COORDINATE SYSTEM (COCS), DESCHUTES 13 TRANSFORMATION, DERIVED FROM THE OREGON REAL-TIME GNSS NETWORK (ORGN).



CURVE TABLE					
CURVE NO.	LENGTH	RADIUS	DELTA	CHORD LENGTH	CHORD BEARING
C1	41.78'	235.00'	10°11'07"	41.72'	N51°19'54"E
C2	34.03'	235.00'	8°17'48"	34.00'	N60°34'22"E
C3	20.60'	40.00'	29°30'39"	20.38'	S14°45'20"E
C4	31.42'	20.00'	90°00'00"	28.28'	S45°00'00"W
C5	15.71'	10.00'	90°00'00"	14.14'	S45°00'00"W
C6	7.35'	10.00'	42°06'46"	7.19'	N21°03'23"W

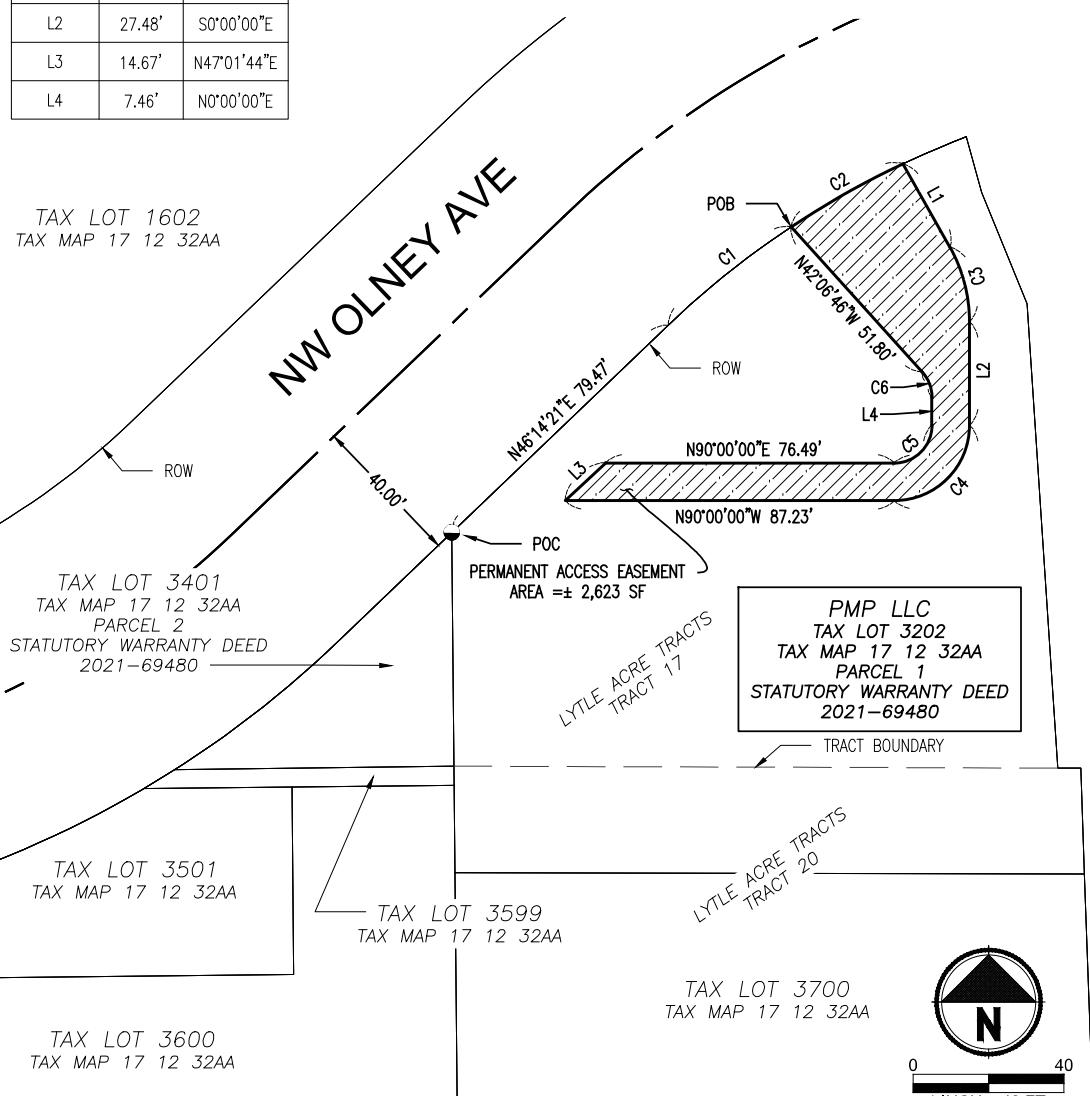
LINE TABLE		
LINE NO.	LENGTH	BEARING
L1	25.40'	S29°30'39"E
L2	27.48'	S0°00'00"E
L3	14.67'	N47°01'44"E
L4	7.46'	N0°00'00"E

EXHIBIT B

PERMANENT ACCESS EASEMENT
TAX LOT 3202 TAX MAP 17 12 32AA
A TRACT OF LAND LOCATED IN THE NE1/4 OF
THE NE1/4 S32, TP17 SOUTH, R12 EAST, W.M.,
CITY OF BEND, DESCHUTES COUNTY,
OREGON

LEGEND

	PERMANENT ACCESS EASEMENT AREA =± 2,623 SF
SF	SQUARE FEET
ROW	RIGHT-OF-WAY
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
	5/8" IRON ROD WITH YELLOW CAP STAMPED "DEA INC"



BASIS OF BEARINGS

BEARINGS FOR THIS EXHIBIT ARE BASED ON THE CENTRAL OREGON
COORDINATE SYSTEM (COCS), DESCHUTES 13 TRANSFORMATION, DERIVED
FROM THE OREGON REAL-TIME GNSS NETWORK (ORGN).

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Corey Pacheco
Digitally signed by Corey Pacheco
DN: C=US
E=cpacheco@parametrix.com
CN: Corey Pacheco
Date: 2025.04.28 15:57:43-07'00"

OREGON
JULY 11, 2023
COREY PACHECO
101863

EXPIRES: 12-31-2026

EXHIBIT: B

DRWN: CTB
CHKD: CAP
JOB: 297-2763-027
DATE: APRIL 25, 2025

NW OLNEY AVE

PERMANENT ACCESS EASEMENT
TAX LOT 3202 TAX MAP 17 12 32AA

Parametrix

150 NW Pacific Park Lane, Suite 110 • Bend, OR 97701
Ph: 541.508.7710

PREPARED FOR
CITY OF BEND

EXHIBIT A

TAX LOT 3202 TAX MAP 17 12 32AA

TEMPORARY CONSTRUCTION EASEMENT

A TRACT OF LAND BEING A PORTION OF PARCEL 1 OF THOSE LANDS DESCRIBED IN STATUTORY WARRANTY DEED 2021-69480, DESCHUTES COUNTY OFFICIAL RECORDS, LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4) OF THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 32, TOWNSHIP 17 SOUTH, RANGE 12 EAST, CITY OF BEND, DESCHUTES COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL 1, MARKED BY A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "DEA INC", LOCATED ON THE SOUTH RIGHT-OF-WAY LINE OF NORTHWEST OLNEY AVENUE (BEING 40.00 FEET FROM CENTER WHEN MEASURED AT RIGHT ANGLES); THENCE NORTH 87°05'31" EAST 22.23 FEET TO THE POINT OF BEGINNING; THENCE NORTH 47°01'44" EAST 22.78 FEET; THENCE SOUTH 07°29"12" WEST 14.61 FEET; THENCE SOUTH 78°43'30" WEST 9.57 FEET; THENCE NORTH 81°12'48" WEST 5.44 FEET TO THE POINT OF BEGINNING.

THE ABOVE TRACT OF LAND CONTAINS 115 SQUARE FEET MORE OR LESS.

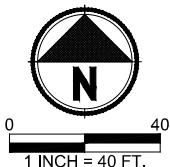
SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD AND THOSE COMMON AND APPARENT ON THE LAND.

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TEMPORARY CONSTRUCTION EASEMENT
TAX LOT 3202 TAX MAP 17 12 32AA
A TRACT OF LAND LOCATED IN THE NE1/4 OF THE
NE1/4 S32, TP17 SOUTH, R12 EAST, W.M.,
CITY OF BEND, DESCHUTES COUNTY, OREGON



BASIS OF BEARINGS

BEARINGS FOR THIS EXHIBIT ARE BASED ON THE CENTRAL OREGON COORDINATE SYSTEM (COCS), DESCHUTES 13 TRANSFORMATION, DERIVED FROM THE OREGON REAL-TIME GNSS NETWORK (ORGN).

LEGEND



TEMPORARY CONSTRUCTION EASEMENT
AREA \pm 115 SF

SF

ROW

POB

POC



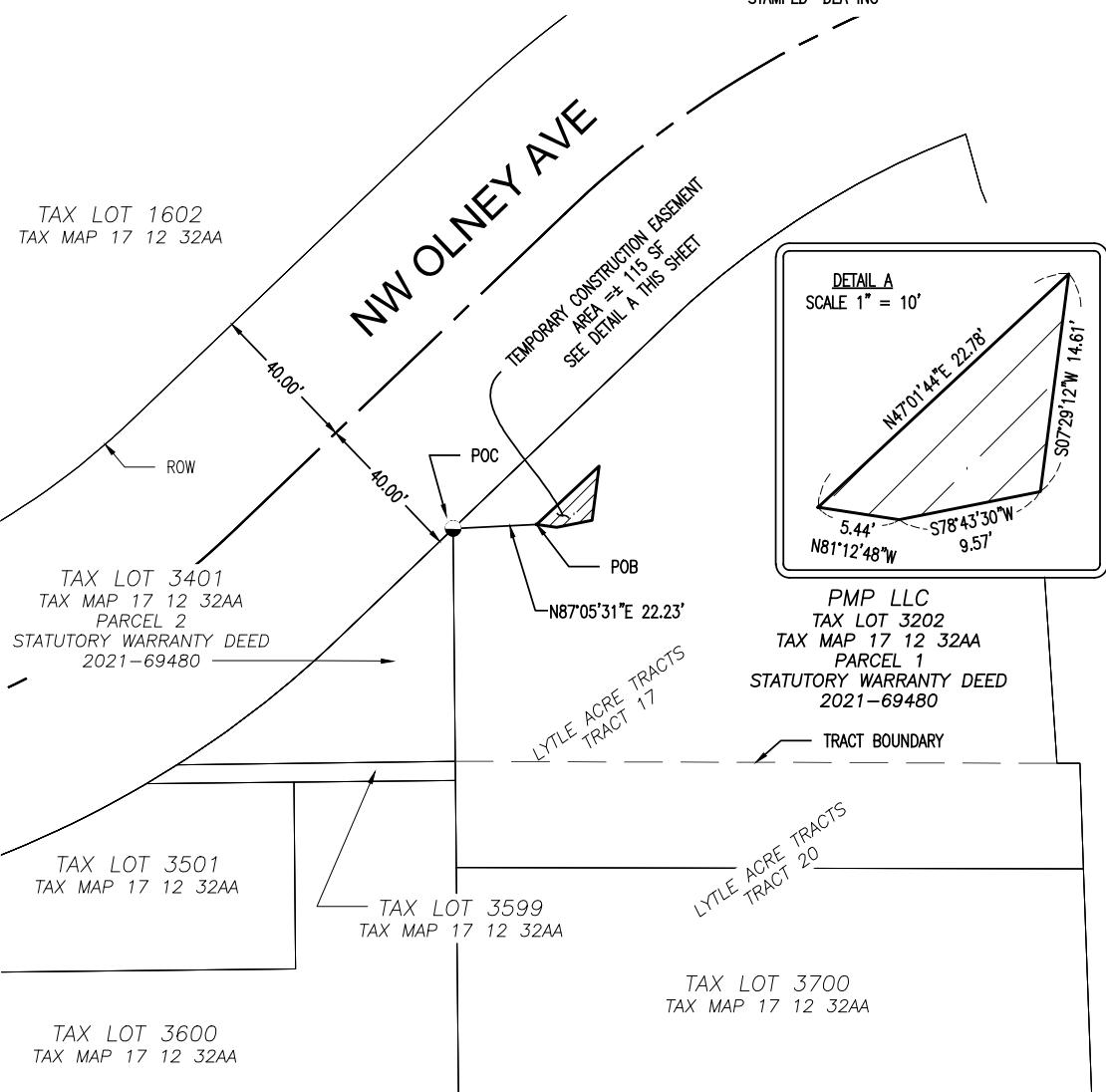
SQUARE FEET

RIGHT-OF-WAY

POINT OF BEGINNING

POINT OF COMMENCEMENT

$\frac{1}{8}$ " IRON ROD WITH YELLOW CAP
STAMPED "DEA INC"



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Corey Pacheco
Digitally signed by Corey Pacheco
Date: 2025.04.28 15:58:09-07'00'

OREGON
JULY 11, 2023
COREY PACHECO
101863

EXPIRES: 12-31-2026

PREPARED FOR
CITY OF BEND

EXHIBIT: B		NW OLNEY AVE TEMPORARY CONSTRUCTION EASEMENT TAX LOT 3202 TAX MAP 17 12 32AA
DRWN:	CTB	
CHKD:	CAP	
JOB:	297-2763-027	
DATE:	APRIL 25, 2025	
Parametrix		150 NW Pacific Park Lane, Suite 110 • Bend, OR 97701 Ph: 541.508.7710