

## **RESOLUTION NO. 3455**

### **A RESOLUTION OF THE CITY COUNCIL EXERCISING THE POWER OF EMINENT DOMAIN FOR THE FRANKLIN AVENUE CORRIDOR PORTION OF THE MIDTOWN MULTIMODAL CONNECTIONS AND STREETSCAPING PROJECT**

#### **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 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 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 Franklin Avenue subproject of the Midtown Multimodal Connections and Streetscaping project (the "Project") has been planned in accordance with appropriate engineering standards for the construction of street improvements, landscaping improvements, stormwater improvements and waterline improvements in a manner most compatible with the greatest public good and the least private injury. This project received a design exception from City standards on March 31, 2025, as set forth under the City Standards and Specifications, to obtain 90 feet of right-of-way, instead of City standard 100 feet on arterials, which lessens impacts to adjacent property owners and is consistent with previous planning documents. The City of Bend contracted with K&E Excavating, Inc. on December 20, 2023, under a progressive design-build contract for design and construction services for the Project. K&E Excavating, Inc. contracted with DOWL as the design firm for the Project.
- D. To accomplish this Project, it is necessary to acquire the interests in property described and shown in Exhibit A.

#### **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 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.

2. The power of eminent domain is exercised with respect to the properties and interests in property described in Exhibit A. The property interests are acquired subject to payment of just compensation and subject to procedural requirements of Oregon law.
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 described and shown in Exhibit A.
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.
5. This resolution takes effect immediately upon adoption.

**Adopted by the Bend City Council on November 19, 2025.**

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

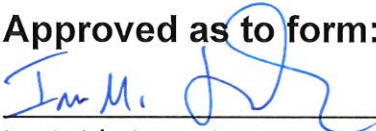
NO:

  
\_\_\_\_\_  
Melanie Kebler, Mayor

**Attest:**

  
\_\_\_\_\_  
Ashley Bontje, City Recorder

**Approved as to form:**

  
\_\_\_\_\_  
Ian Leitheiser, City Attorney



**Language Assistance Services & Accommodation Information for People with Disabilities**

You can obtain this information in alternate formats such as Braille, electronic format, etc. Free language assistance services are also available. Please contact Todd Johnson at [tjohnson@bendoregon.gov](mailto:tjohnson@bendoregon.gov) or 541-388-5579. Relay Users Dial 7-1-1.



**Servicios de asistencia lingüística e información sobre alojamiento para personas con discapacidad**

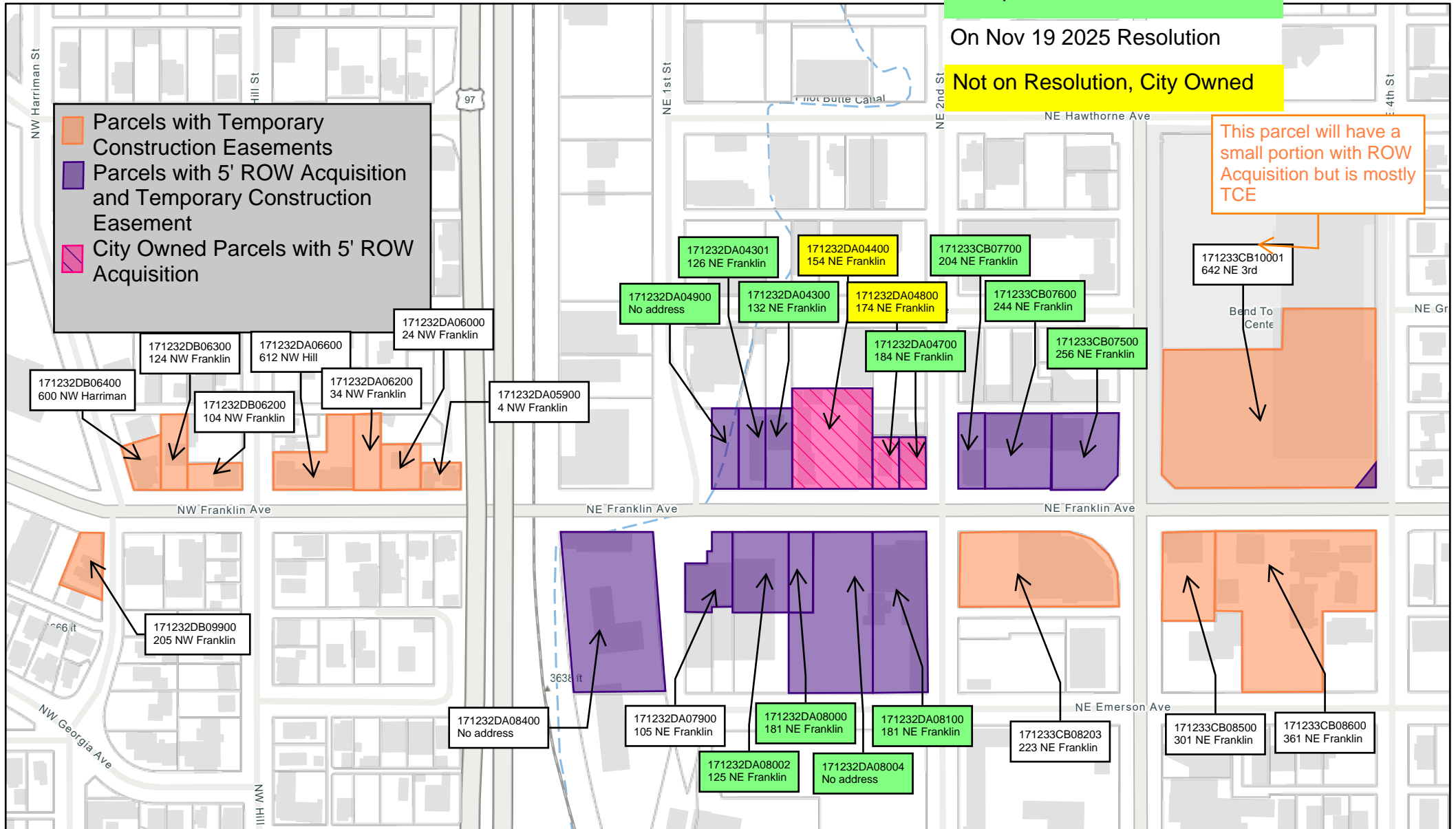
Puede obtener esta información en formatos alternativos como Braille, formato electrónico, etc. También disponemos de servicios gratuitos de asistencia lingüística. Póngase en contacto con Todd Johnson en [tjohnson@bendoregon.gov](mailto:tjohnson@bendoregon.gov) o 541-388-5579. Los usuarios del servicio de retransmisión deben marcar el 7-1-1.

# ArcGIS Web Map

On April 2 2025 Resolution

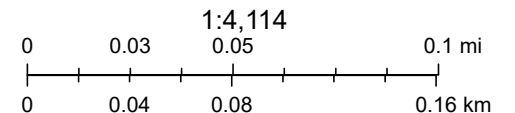
On Nov 19 2025 Resolution

Not on Resolution, City Owned



9/29/2025, 10:25:22 AM

- Taxlot
- City Limits
- Urban Growth Boundary
- Taxlots
- Site Address Points





**EXHIBIT A**  
**City of Bend**  
**Midtown Crossing – Franklin Avenue Improvements**

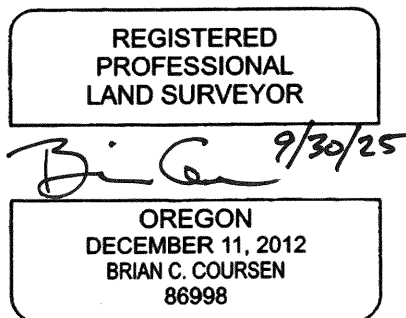
**Parcel 1 - Temporary Construction Easement (2 Years or duration of Project, whichever is sooner)**

A parcel of land lying in the NE1/4, SE1/4 of Section 32, Township 17 South, Range 12 East, W.M., City of Bend, Deschutes County, Oregon and being a portion of that property described in that Statutory Warranty Deed to Green 4 Franklin LLC, recorded September 18, 2012 as Volume 2012, Page 36803 Deschutes County Official Records; said parcel being that portion of said property included in a strip of land 45.00 feet in width lying on the Northerly side of the center line of NW Franklin Avenue, which centerline is described as follows:

Beginning at Engineer's center line Station 50+00.00, said station being South 888.64 feet and West 1882.61 feet of the East One-quarter Corner of Section 32, Township 17 South, Range 12 East, W.M.; thence South 67°17'38" East 309.99 feet; thence North 89°58'59" East 1118.98 feet; thence North 89°58'29" East 479.66 feet; thence North 89°53'49" East 370.00 feet; thence North 89°59'11" East 470.00 feet; thence North 89°56'15" East 920.00 feet to Engineer's center line Station 86+68.63, said station being South 1005.98 feet and East 1762.00 feet of the East One-quarter Corner of said Section 32.

Bearings are based on County Survey No. 21485, filed February 27, 2025 Deschutes County Surveyor's Office.

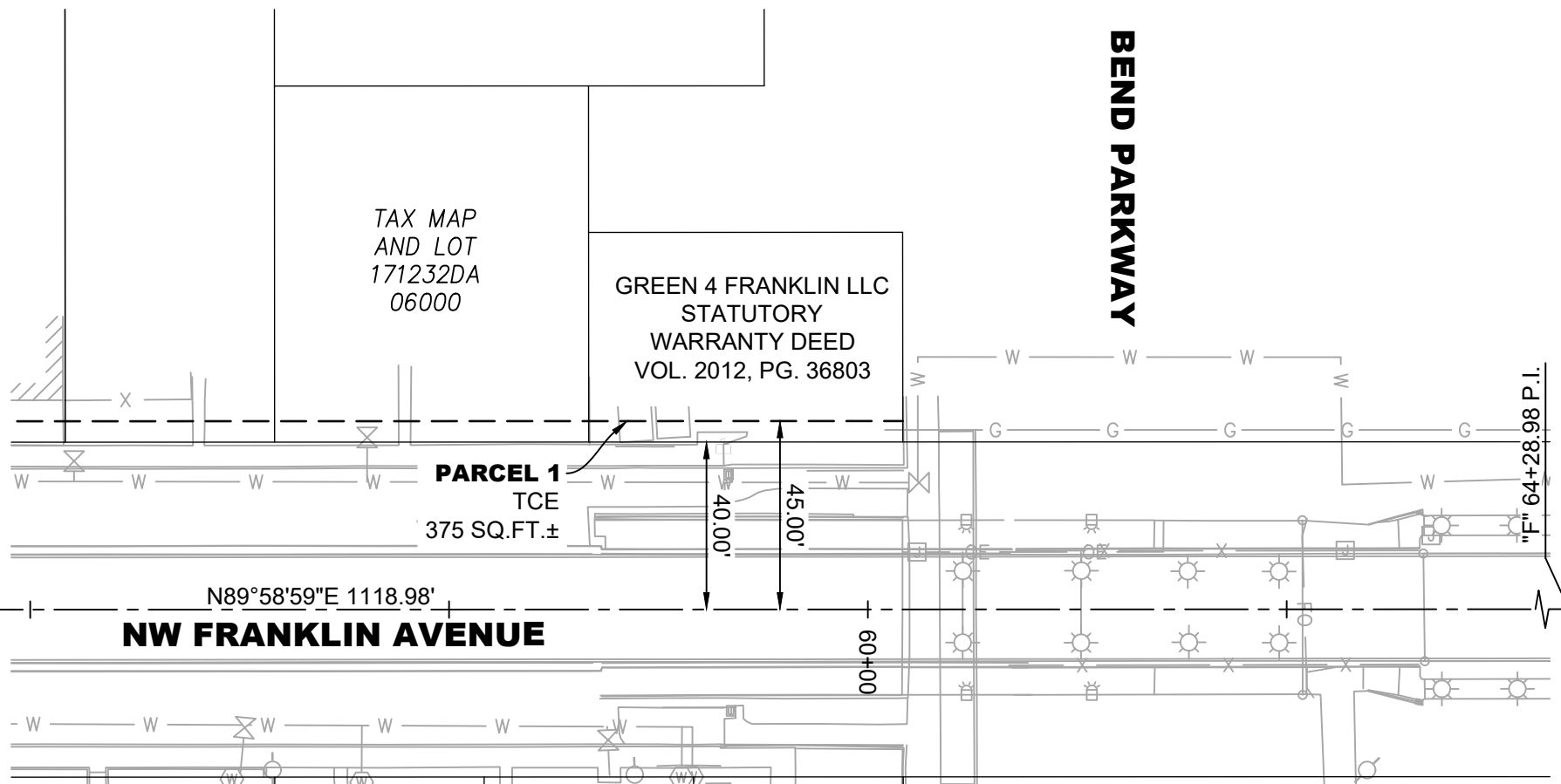
This parcel of land contains 375 square feet, more or less, outside the existing right of way.



Renews: 12-31-2025

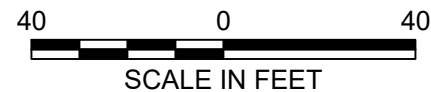


"F" 53+09.99 P.I.



## LEGEND

--- TEMPORARY CONSTRUCTION EASEMENT (TCE)



**DOWL**

WWW.DOWL.COM

1001 SW Emkay Drive, Suite 120  
Bend, Oregon 97702  
541-385-4772

MIDTOWN CROSSINGS - FRANKLIN AVENUE IMPROVEMENTS  
TAX MAP & LOT 171232DA 05900  
GREEN 4 FRANKLIN LLC

PROJECT 14953-01  
DATE 03/07/2025

**EXHIBIT B**



Michael and Joanne Wildman  
Joint Trust  
Map and Tax lot 171232DA 06000  
Page 1 of 1

**EXHIBIT A**  
**City of Bend**  
**Midtown Crossing – Franklin Avenue Improvements**

**Parcel 1 - Temporary Construction Easement (2 Years or duration of Project, whichever is sooner)**

A parcel of land lying in the NE1/4, SE1/4 of Section 32, Township 17 South, Range 12 East, W.M., City of Bend, Deschutes County, Oregon and being a portion of that property described in that Statutory Warranty Deed to Michael Wildman and Joanne Wildman, Co-Trustees, U/D/T dated November 12, 1999, F/B/O the Michael and Joanne Wildman Joint Trust, recorded April 11, 2002 as Volume 2002, Page 20126 Deschutes County Official Records; said parcel being that portion of said property included in a strip of land 45.00 feet in width lying on the Northerly side of the center line of NE Franklin Avenue, which centerline is described as follows:

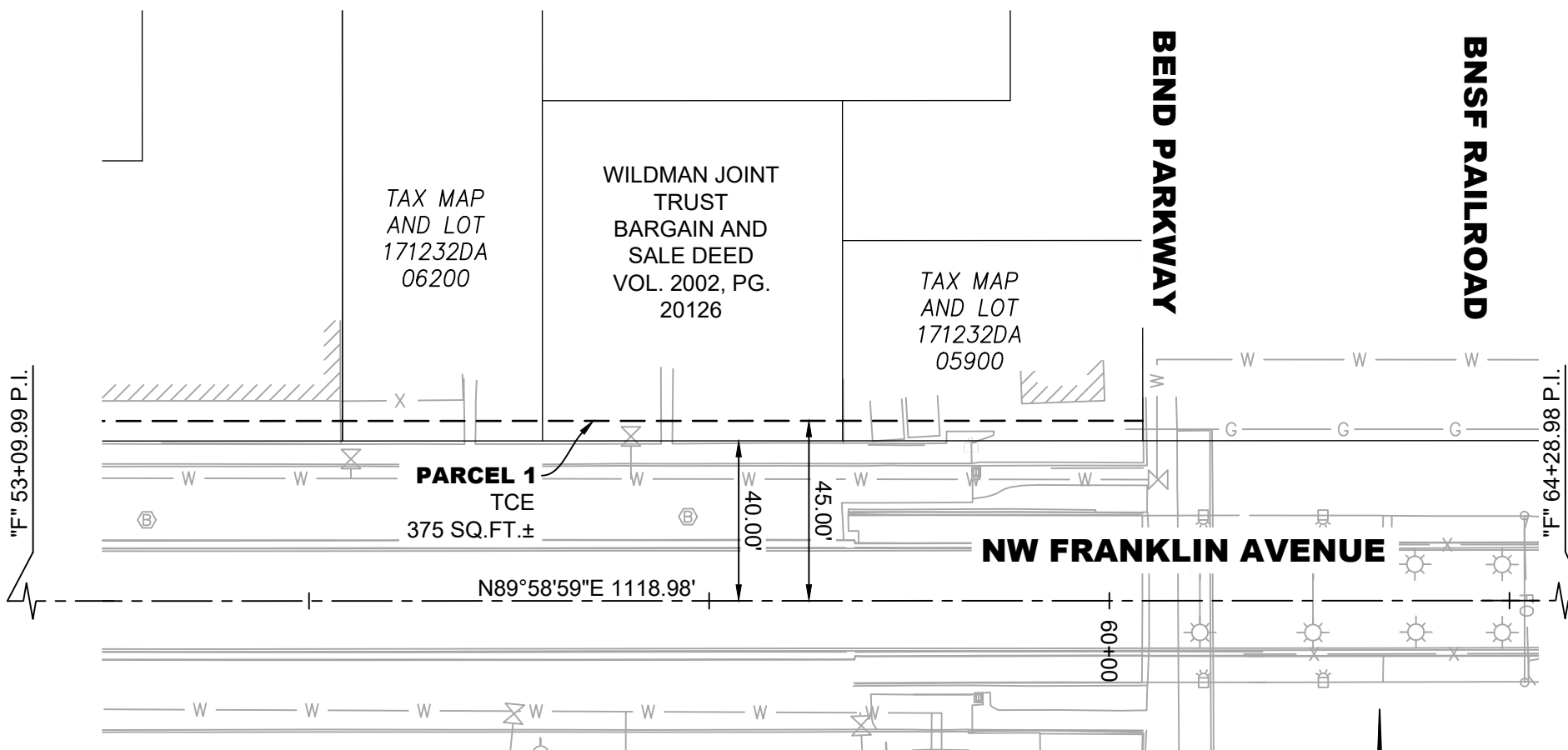
Beginning at Engineer's center line Station 50+00.00, said station being South 888.64 feet and West 1882.61 feet of the East One-quarter Corner of Section 32, Township 17 South, Range 12 East, W.M.; thence South 67°17'38" East 309.99 feet; thence North 89°58'59" East 1118.98 feet; thence North 89°58'29" East 479.66 feet; thence North 89°53'49" East 370.00 feet; thence North 89°59'11" East 470.00 feet; thence North 89°56'15" East 920.00 feet to Engineer's center line Station 86+68.63, said station being South 1005.98 feet and East 1762.00 feet of the East One-quarter Corner of said Section 32.

Bearings are based on County Survey No. 21485, filed February 27, 2025 Deschutes County Surveyor's Office.

This parcel of land contains 375 square feet, more or less, outside the existing right of way.



Renews: 12-31-2025



## LEGEND

--- TEMPORARY CONSTRUCTION EASEMENT (TCE)

40 0 40  
SCALE IN FEET

**DOWL**

WWW.DOWL.COM

1001 SW Emkay Drive, Suite 120  
Bend, Oregon 97702  
541-385-4772

MIDTOWN CROSSINGS - FRANKLIN AVENUE IMPROVEMENTS  
TAX MAP & LOT 171232DA 06000  
WILDMAN JOINT TRUST

PROJECT 14953-01  
DATE 03/07/2025

EXHIBIT B



**EXHIBIT A**  
**City of Bend**  
**Midtown Crossing – Franklin Avenue Improvements**

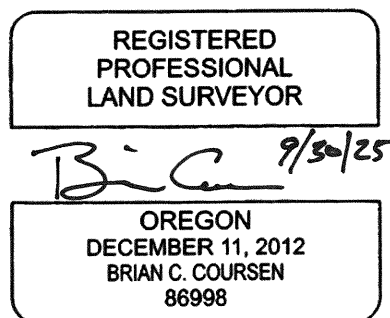
**Parcel 1 - Temporary Construction Easement (2 Years or duration of Project, whichever is sooner)**

A parcel of land lying in the NE1/4, SE1/4 of Section 32, Township 17 South, Range 12 East, W.M., City of Bend, Deschutes County, Oregon and being a portion of that property described in that Statutory Warranty Deed to Blissful Heart, LLC, recorded October 2, 2018 as Volume 2018, Page 39918 Deschutes County Official Records; said parcel being that portion of said property included in a strip of land 45.00 feet in width lying on the Northerly side of the center line of NW Franklin Avenue, which centerline is described as follows:

Beginning at Engineer's center line Station 50+00.00, said station being South 888.64 feet and West 1882.61 feet of the East One-quarter Corner of Section 32, Township 17 South, Range 12 East, W.M.; thence South 67°17'38" East 309.99 feet; thence North 89°58'59" East 1118.98 feet; thence North 89°58'29" East 479.66 feet; thence North 89°53'49" East 370.00 feet; thence North 89°59'11" East 470.00 feet; thence North 89°56'15" East 920.00 feet to Engineer's center line Station 86+68.63, said station being South 1005.98 feet and East 1762.00 feet of the East One-quarter Corner of said Section 32.

Bearings are based on County Survey No. 21485, filed February 27, 2025 Deschutes County Surveyor's Office.

This parcel of land contains 250 square feet, more or less, outside the existing right of way.

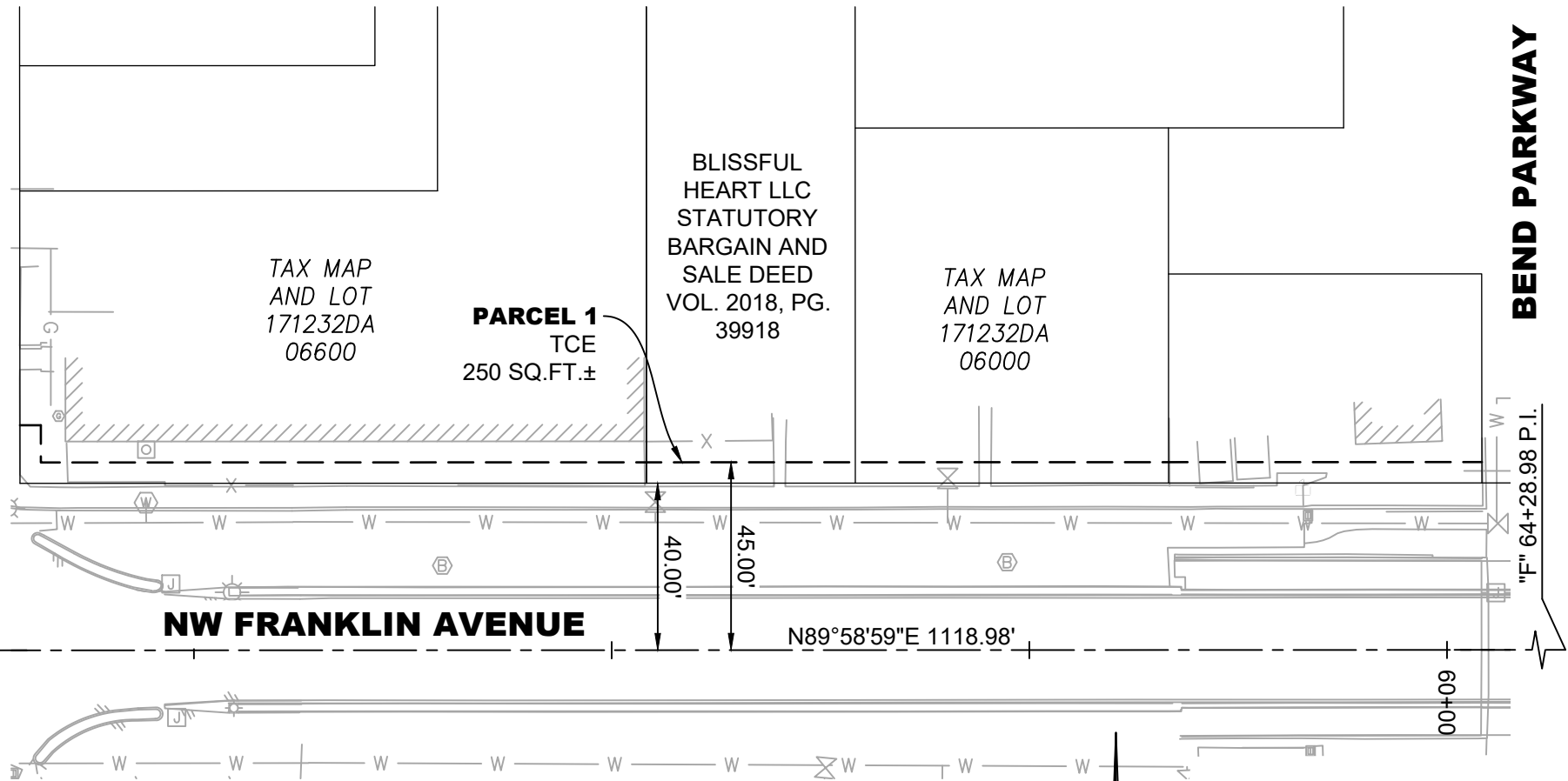


Renews: 12-31-2025



NW HILL ST

"F" 53+09.99 P.I.



BEND PARKWAY

"F" 64+28.98 P.I.

## LEGEND

--- TEMPORARY CONSTRUCTION EASEMENT (TCE)

**DOWL**

WWW.DOWL.COM

1001 SW Emkay Drive, Suite 120  
Bend, Oregon 97702  
541-385-4772

MIDTOWN CROSSINGS - FRANKLIN AVENUE IMPROVEMENTS  
TAX MAP & LOT 171232DA 06200  
BLISSFUL HEART LLC

PROJECT 14953-01  
DATE 03/07/2025

EXHIBIT B



**EXHIBIT A**  
**City of Bend**  
**Midtown Crossing – Franklin Avenue Improvements**

**Parcel 1 - Temporary Construction Easement (2 Years or duration of Project, whichever is sooner)**

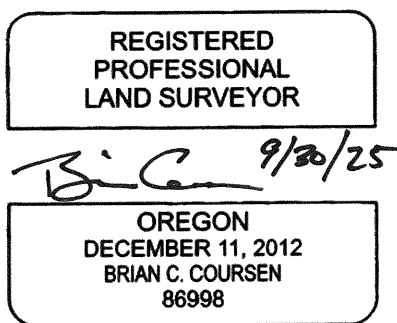
A parcel of land lying in the NW1/4, SE1/4 of Section 32, Township 17 South, Range 12 East, W.M., City of Bend, Deschutes County, Oregon and being a portion of that property described as "Parcel 9" in that Warranty Deed to Patrick J. Kelley and Wendy L. Kelley, Trustees of the Kelley Family Trust, recorded February 16, 2022 as Volume 2022, Page 6766 Deschutes County Official Records; said parcel being more particularly described as follows:

The southerly 5.00 feet of said property;

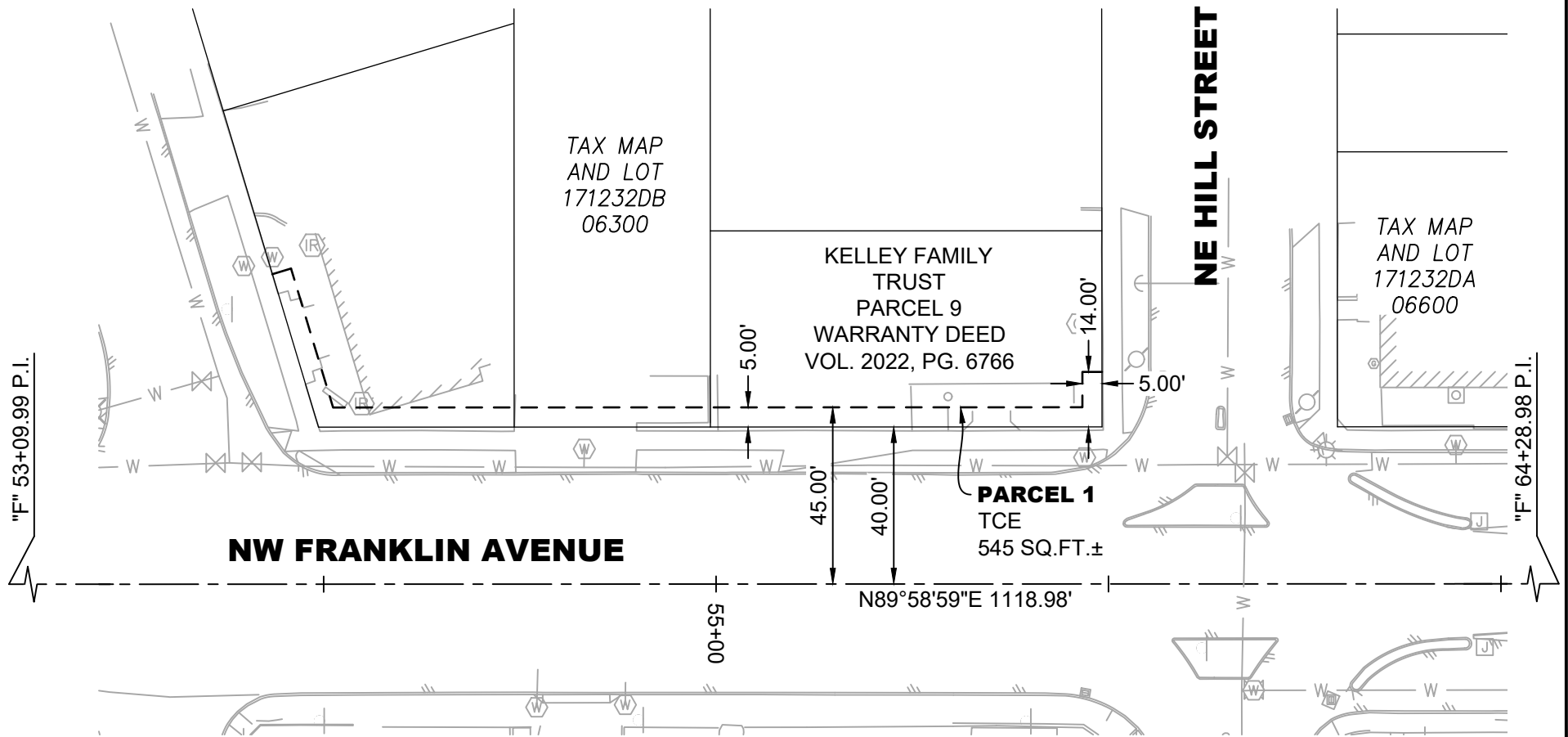
**Together with** the easterly 5.00 feet of the southerly 14.00 feet of said property.

Bearings are based on County Survey No. 21485, filed February 27, 2025 Deschutes County Surveyor's Office.

This parcel of land contains 545 square feet, more or less.



Renews: 12-31-2025



## LEGEND

--- TEMPORARY CONSTRUCTION EASEMENT (TCE)

40 0 40  
SCALE IN FEET



**DOWL**

WWW.DOWL.COM

1001 SW Emkay Drive, Suite 120  
Bend, Oregon 97702  
541-385-4772

MIDTOWN CROSSINGS - FRANKLIN AVENUE IMPROVEMENTS  
TAX MAP & LOT 171232DB 06200  
KELLEY FAMILY TRUST

PROJECT 14953-01  
DATE 04/18/2025

EXHIBIT B



**EXHIBIT A**  
**City of Bend**  
**Midtown Crossing – Franklin Avenue Improvements**

**Parcel 1 - Public Right-of-Way Dedication**

A parcel of land lying in the NE1/4 of the SE1/4 of Section 32, Township 17 South, Range 12 East, W.M., City of Bend, Deschutes County, Oregon and being a portion of the properties designated as Parcel 1 and Parcel 2 as described in that Statutory Bargain and Sale Deed to New Zone Business LLC, recorded January 26, 2023 as Volume 2023, Page 01892, Deschutes County Official Records; said parcel being that portion of said properties included in a strip of land 45.00 feet in width lying on the Southerly side of the center line of NE Franklin Avenue, which center line is described as follows:

Beginning at Engineer's center line Station 50+00.00, said station being South 888.64 feet and West 1882.61 feet of the East One-quarter Corner of Section 32, Township 17 South, Range 12 East, W.M.; thence South 67°17'38" East 309.99 feet; thence North 89°58'59" East 1118.98 feet; thence North 89°58'29" East 479.66 feet; thence North 89°53'49" East 370.00 feet; thence North 89°59'11" East 470.00 feet; thence North 89°56'15" East 920.00 feet to Engineer's center line Station 86+68.63, said station being South 1005.98 feet and East 1762.00 feet of the East One-quarter Corner of said Section 32.

Bearings are based on County Survey No. 21485, filed February 27, 2025 Deschutes County Surveyor's Office.

This parcel of land contains 1,075 square feet, more or less, outside the existing right of way.

652 square feet, more or less, of an existing building encroaches upon this parcel.

**Parcel 2 - Temporary Construction Easement (2 Years or duration of Project, whichever is sooner)**

A parcel of land lying in the NE1/4 of the SE1/4 of Section 32, Township 17 South, Range 12 East, W.M., City of Bend, Deschutes County, Oregon and being a portion of the property designated as Parcel 2 as described in that Statutory Bargain and Sale Deed to New Zone Business LLC, recorded January 26, 2023 as Volume 2023, Page 01892, Deschutes County Official Records; said parcel being that portion of said property included in a strip of land 50.00 feet in width lying on the Southerly side of the center line of NE Franklin Avenue, which center line is described in Parcel 1.



Except therefrom Parcel 1.

This parcel of land contains 875 square feet, more or less.

**Parcel 3 - Temporary Construction Easement (2 Years or duration of Project, whichever is sooner)**

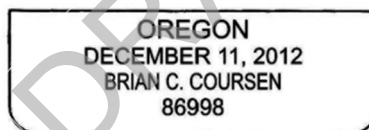
A parcel of land lying in the NE1/4 of the SE1/4 of Section 32, Township 17 South, Range 12 East, W.M., City of Bend, Deschutes County, Oregon and being a portion of the property designated as Parcel 1 as described in that Statutory Bargain and Sale Deed to New Zone Business LLC, recorded January 26, 2023 as Volume 2023, Page 01892, Deschutes County Official Records; said parcel being that portion of said property included in a strip of land variable in width lying on the Southerly side of the center line of NE Franklin Avenue, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

| Station  | to | Station  | Width on Southerly Side of Center Line |
|----------|----|----------|--|
| 64+50.00 |    | 64+97.00 | 57.00                                  |
| 64+97.00 |    | 65+35.00 | 50.00                                  |

Except therefrom Parcel 1.

This parcel of land contains 326 square feet, more or less.



Renews: 12-31-2025

EXHIBIT B





**EXHIBIT A**  
**City of Bend**  
**Midtown Crossing – Franklin Avenue Improvements**

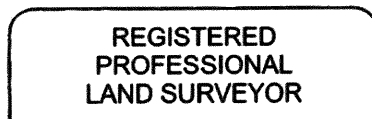
**Parcel 1 - Temporary Construction Easement (2 Years or duration of Project, whichever is sooner)**

A parcel of land lying in the NW1/4, SE1/4 of Section 32, Township 17 South, Range 12 East, W.M., City of Bend, Deschutes County, Oregon and being a portion of that property described in that Statutory Warranty Deed to 124 Bend, LLC, recorded April 30, 2021 as Volume 2021, Page 27306 Deschutes County Official Records; said parcel being that portion of said property included in a strip of land 45.00 feet in width lying on the Northerly side of the center line of NW Franklin Avenue, which centerline is described as follows:

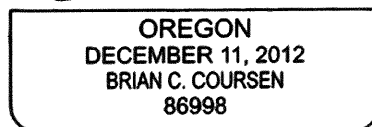
Beginning at Engineer's center line Station 50+00.00, said station being South 888.64 feet and West 1882.61 feet of the East One-quarter Corner of Section 32, Township 17 South, Range 12 East, W.M.; thence South 67°17'38" East 309.99 feet; thence North 89°58'59" East 1118.98 feet; thence North 89°58'29" East 479.66 feet; thence North 89°53'49" East 370.00 feet; thence North 89°59'11" East 470.00 feet; thence North 89°56'15" East 920.00 feet to Engineer's center line Station 86+68.63, said station being South 1005.98 feet and East 1762.00 feet of the East One-quarter Corner of said Section 32.

Bearings are based on County Survey No. 21485, filed February 27, 2025 Deschutes County Surveyor's Office.

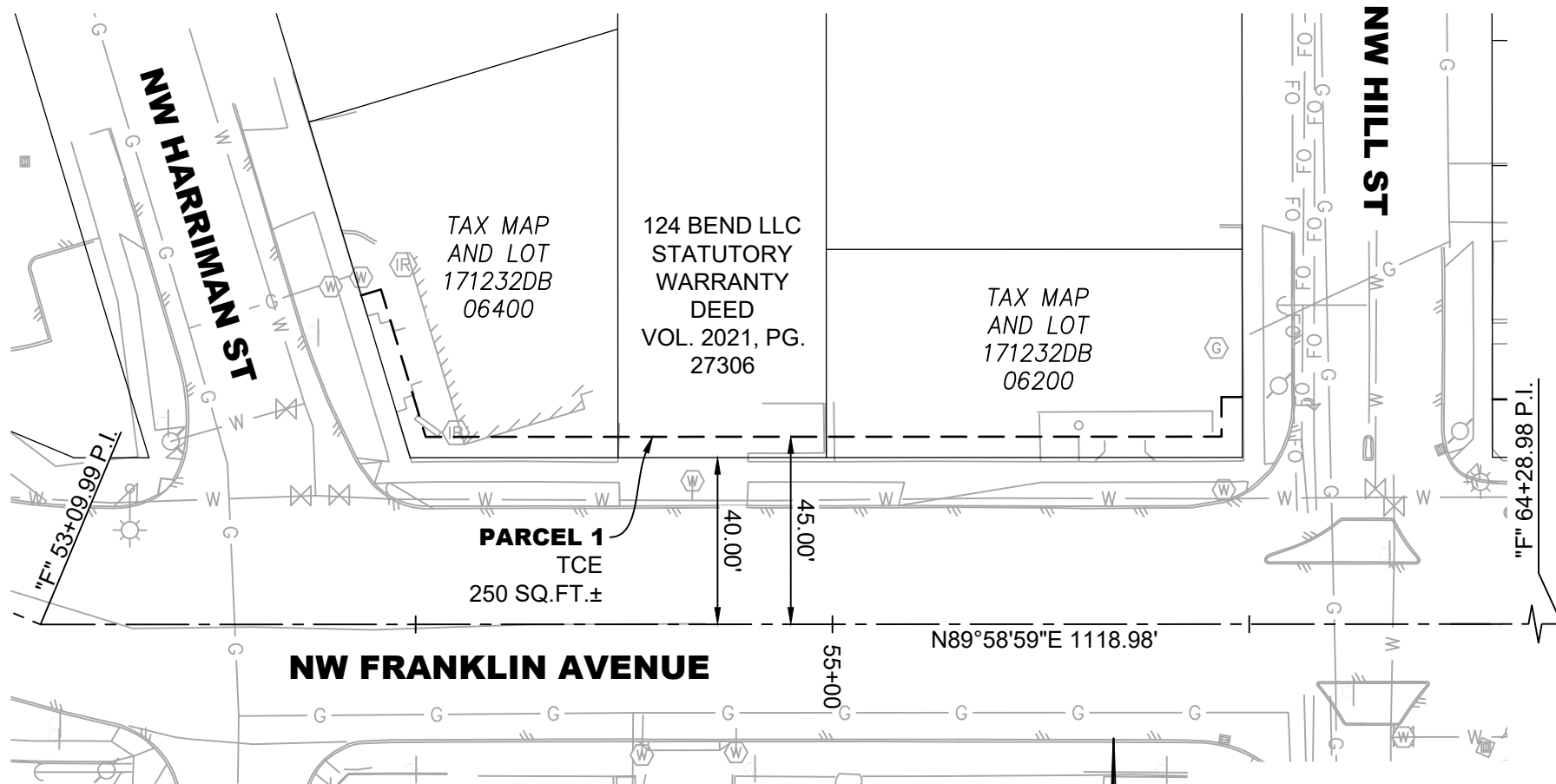
This parcel of land contains 250 square feet, more or less, outside the existing right of way.



*Brian C. Coursen* 9/30/25

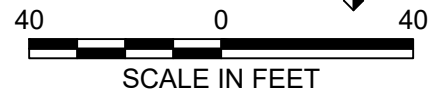


Renews: 12-31-2025



## LEGEND

--- TEMPORARY CONSTRUCTION EASEMENT (TCE)



# DOWL

WWW.DOWL.COM

1001 SW Emkay Drive, Suite 120  
Bend, Oregon 97702  
541-385-4772

MIDTOWN CROSSINGS - FRANKLIN AVENUE IMPROVEMENTS  
TAX MAP & LOT 171232DB 06300  
124 BEND LLC

|         |            |
|---------|------------|
| PROJECT | 14953-01   |
| DATE    | 03/07/2025 |

EXHIBIT B



**EXHIBIT A**  
**City of Bend**  
**Midtown Crossing – Franklin Avenue Improvements**

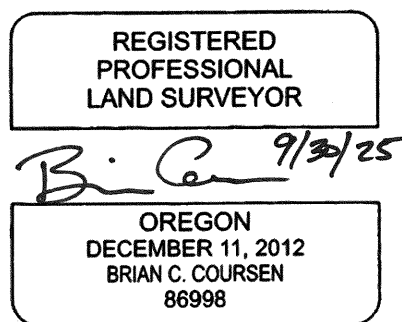
**Parcel 1 - Temporary Construction Easement (2 Years or duration of Project, whichever is sooner)**

A parcel of land lying in Lot 7, Block 28 of PARK ADDITION TO BEND, City of Bend, Deschutes County, Oregon and being a portion of that property described in that Statutory Warranty Deed to Tobron Oregon, LLC, recorded March 31, 2021 as Volume 2021, Page 20193 Deschutes County Official Records; said parcel being more particularly described as follows;

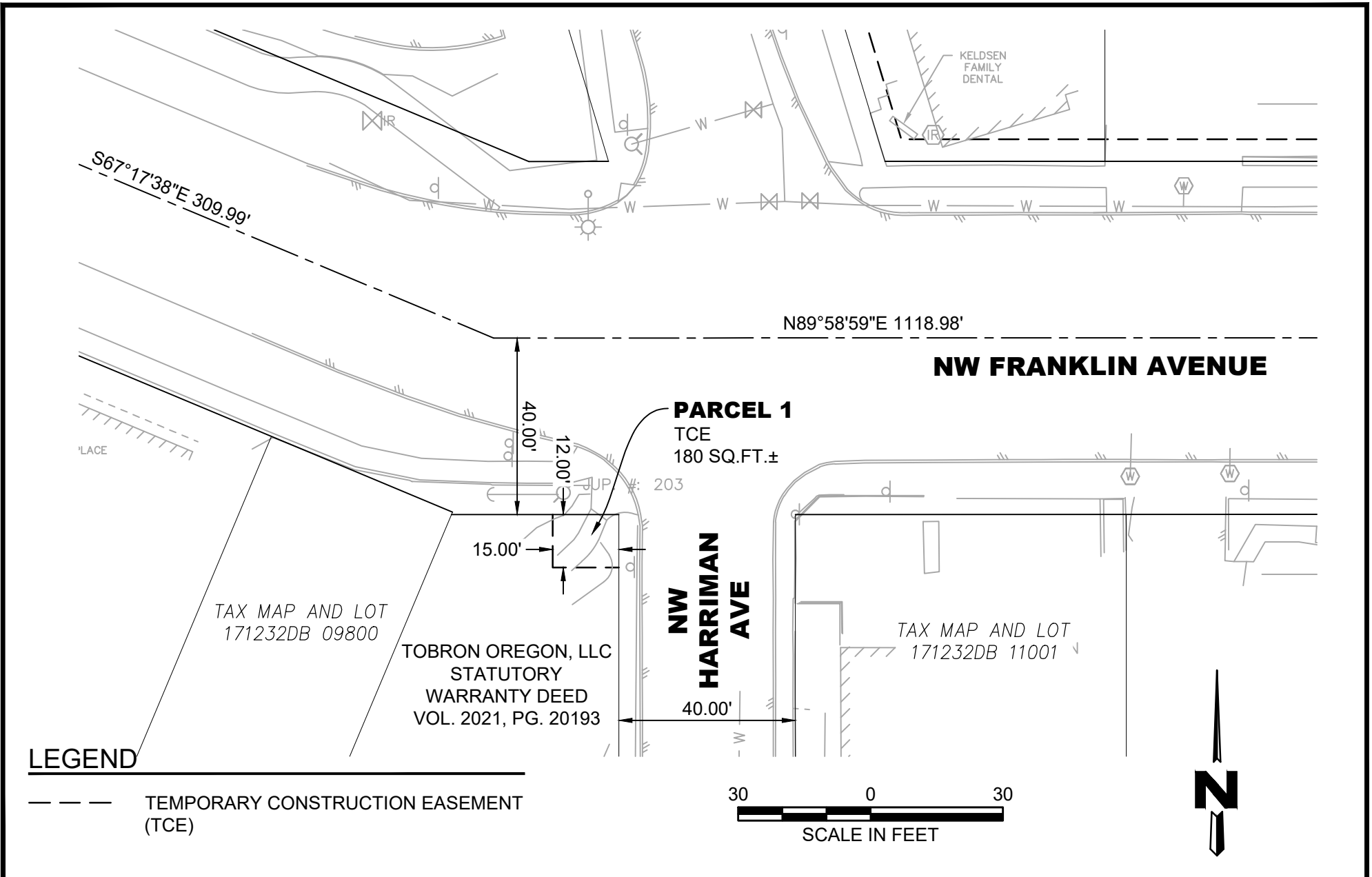
The East 15.00 feet of the North 12.00 feet of said property.

Bearings are based on County Survey No. 21485, filed February 27, 2025 Deschutes County Surveyor's Office.

This parcel of land contains 180 square feet, more or less.



Renews: 12-31-2025



**DOWL**

WWW.DOWL.COM

1001 SW Emkay Drive, Suite 120  
Bend, Oregon 97702  
541-385-4772

**MIDTOWN CROSSINGS - FRANKLIN AVENUE IMPROVEMENTS**  
**TAX MAP & LOT 171232DB 09900**

**TOBRON OREGON LLC**

|         |            |
|---------|------------|
| PROJECT | 14953-01   |
| DATE    | 09/30/2025 |

**EXHIBIT B**



**EXHIBIT A**  
**City of Bend**  
**Midtown Crossing – Franklin Avenue Improvements**

**Parcel 1 - Temporary Construction Easement (2 Years or duration of Project, whichever is sooner)**

A tract of land lying in the NW1/4, SW1/4 of Section 33, Township 17 South, Range 12 East, W.M., City of Bend, Deschutes County, Oregon and being a portion of that property described as Parcel 1 of Partition Plat No. 2013-19, recorded October 30, 2013 as Volume 2013, Page 45260 Deschutes County Official Records; said tract being that portion of said property included in a strip of land variable in width lying on the Southerly side of the center line of NE Franklin Avenue, which center line is described as follows:

Beginning at Engineer's center line Station 50+00.00, said station being South 888.64 feet and West 1882.61 feet of the East One-quarter Corner of Section 32, Township 17 South, Range 12 East, W.M.; thence South 67°17'38" East 309.99 feet; thence North 89°58'59" East 1118.98 feet; thence North 89°58'29" East 479.66 feet; thence North 89°53'49" East 370.00 feet; thence North 89°59'11" East 470.00 feet; thence North 89°56'15" East 920.00 feet to Engineer's center line Station 86+68.63, said station being South 1005.98 feet and East 1762.00 feet of the East One-quarter Corner of said Section 32.

The width in feet of said strip of land is as follows:

| Station  | to | Station  | Width on Southerly Side of Center Line |
|----------|----|----------|--|
| 69+30.00 |    | 69+44.00 | 60.50'                                 |
| 69+44.00 |    | 69+61.00 | 45.00'                                 |

Basis of Bearings are based on County Survey No. 21485, filed February 27, 2025 Deschutes County Surveyor's Office.

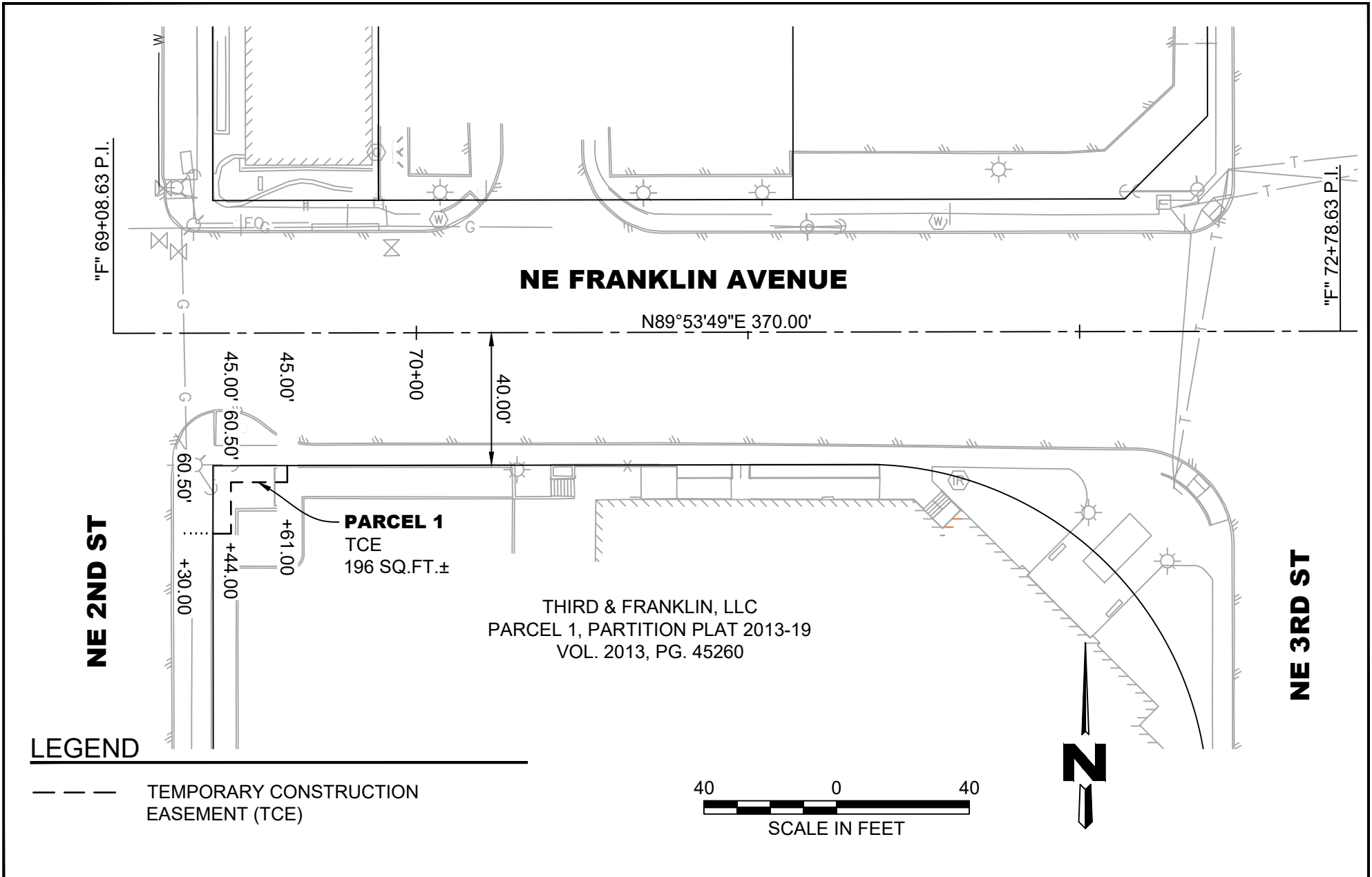
This parcel of land contains 196 square feet, more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Brian C. Coursen* 9/30/25

OREGON  
DECEMBER 11, 2012  
BRIAN C. COURSEN  
86998

Renews: 12-31-2025



|   |  |                  |
|---|--|------------------|
| <b>DOWL</b><br><a href="http://www.dowl.com">www.dowl.com</a><br>1001 SW Emkay Drive, Suite 120<br>Bend, Oregon 97702<br>541-385-4772 | <b>MIDTOWN CROSSINGS - FRANKLIN AVENUE IMPROVEMENTS</b><br><b>TAX MAP &amp; LOT 171233CB 08203</b><br><b>THIRD AND FRANKLIN, LLC</b> | PROJECT 14953-01 |
|   |  | DATE 04/18/2025  |
|   |  | <b>EXHIBIT B</b> |





**EXHIBIT A**  
**City of Bend**  
**Midtown Crossing – Franklin Avenue Improvements**

**Parcel 1 - Temporary Construction Easement (2 Years or duration of Project, whichever is sooner)**

A parcel of land lying in the NW1/4, SW1/4 of Section 33, Township 17 South, Range 12 East, W.M., City of Bend, Deschutes County, Oregon and being a portion of that property described in that Statutory Warranty Deed to JHEM Franklin LLC recorded February 23, 2012 as Volume 2012, Page 6150 Deschutes County Official Records; said parcel being that portion of said property included in a strip of land variable in width lying on the Southerly side of the center line of NE Franklin Avenue, which centerline is described as follows:

Beginning at Engineer's center line Station 50+00.00, said station being South 888.64 feet and West 1882.61 feet of the East One-quarter Corner of Section 32, Township 17 South, Range 12 East, W.M.; thence South 67°17'38" East 309.99 feet; thence North 89°58'59" East 1118.98 feet; thence North 89°58'29" East 479.66 feet; thence North 89°53'49" East 370.00 feet; thence North 89°59'11" East 470.00 feet; thence North 89°56'15" East 920.00 feet to Engineer's center line Station 86+68.63, said station being South 1005.98 feet and East 1762.00 feet of the East One-quarter Corner of said Section 32.

The width in feet of said strip of land is as follows:

| Station  | to | Station  | Width on Southerly Side of Center Line |
|----------|----|----------|--|
| 73+00.00 |    | 73+92.50 | 45.00                                  |
| 73+92.50 |    | 73+99.00 | 51.00                                  |
| 73+99.00 |    | 74+50.00 | 45.00                                  |

EXCEPT therefrom that portion of said parcel lying within the existing building.

Bearings are based on County Survey No. 21485, filed February 27, 2025 Deschutes County Surveyor's Office.

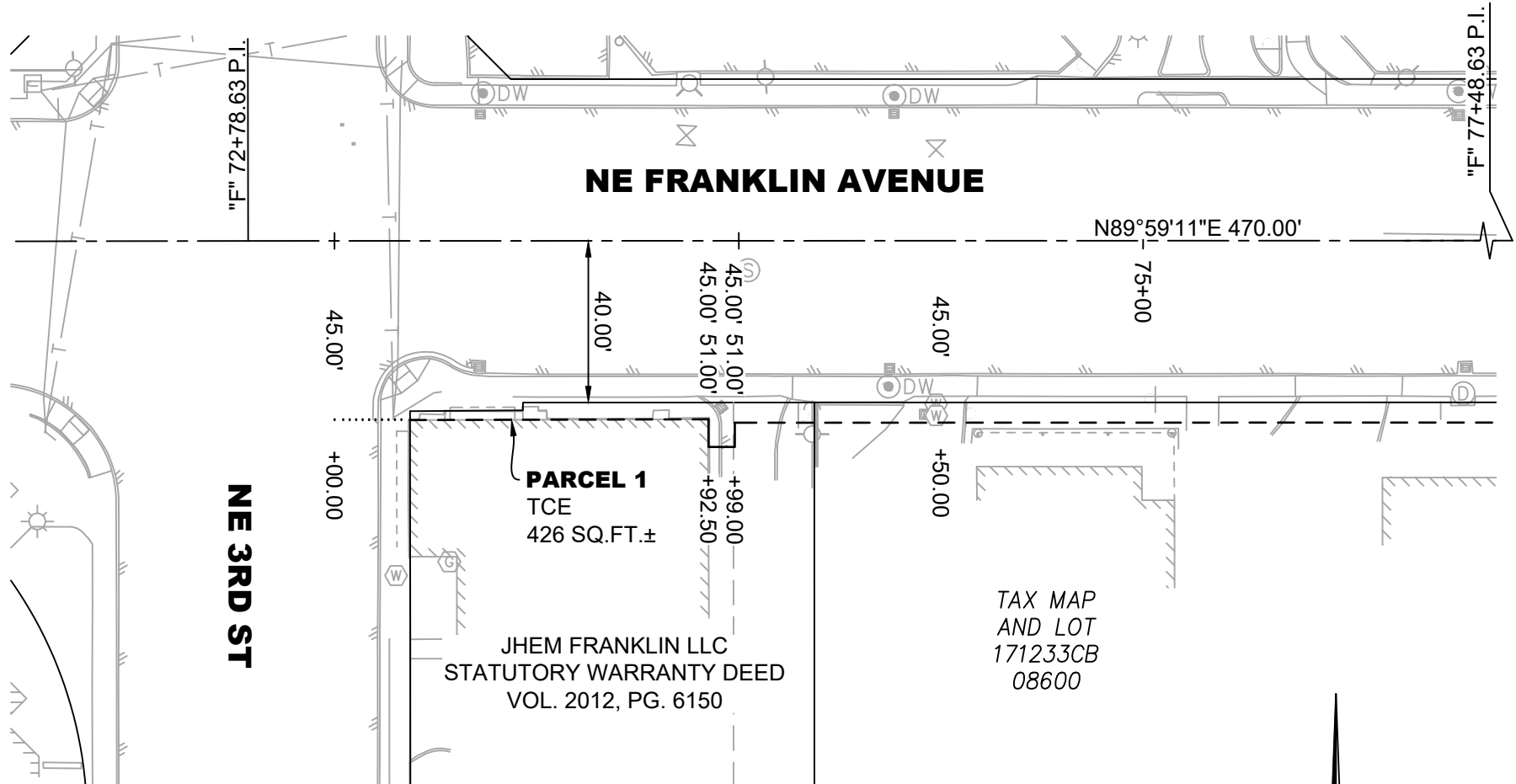
This parcel of land contains 426 square feet, more or less, outside the existing right of way.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Brian C. Coursen* 9/30/25

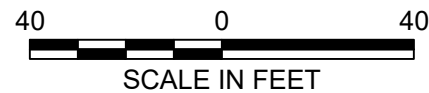
OREGON  
DECEMBER 11, 2012  
BRIAN C. COURSEN  
86998

Renews: 12-31-2025



## LEGEND

--- TEMPORARY CONSTRUCTION EASEMENT (TCE)



# DOWL

WWW.DOWL.COM

1001 SW Emkay Drive, Suite 120  
Bend, Oregon 97702  
541-385-4772

MIDTOWN CROSSINGS - FRANKLIN AVENUE IMPROVEMENTS  
TAX MAP & LOT 171233CB 08500  
JHEM FRANKLIN LLC

|         |            |
|---------|------------|
| PROJECT | 14953-01   |
| DATE    | 04/18/2025 |

EXHIBIT B



**EXHIBIT A**  
**City of Bend**  
**Midtown Crossing – Franklin Avenue Improvements**

**Parcel 1 - Temporary Construction Easement (2 Years or duration of Project, whichever is sooner)**

A parcel of land lying in the NW1/4, SW1/4 of Section 33, Township 17 South, Range 12 East, W.M., City of Bend, Deschutes County, Oregon and being a portion of that property described in that Statutory Bargain and Sale Deed to Katherine Floyd recorded November 29, 2007 as Volume 2007, Page 61790 Deschutes County Official Records; said parcel being that portion of said property included in a strip of land variable in width lying on the Southerly side of the center line of NE Franklin Avenue, which centerline is described as follows:

Beginning at Engineer's center line Station 50+00.00, said station being South 888.64 feet and West 1882.61 feet of the East One-quarter Corner of Section 32, Township 17 South, Range 12 East, W.M.; thence South 67°17'38" East 309.99 feet; thence North 89°58'59" East 1118.98 feet; thence North 89°58'29" East 479.66 feet; thence North 89°53'49" East 370.00 feet; thence North 89°59'11" East 470.00 feet; thence North 89°56'15" East 920.00 feet to Engineer's center line Station 86+68.63, said station being South 1005.98 feet and East 1762.00 feet of the East One-quarter Corner of said Section 32.

The width in feet of said strip of land is as follows:

| Station  | to | Station  | Width on Southerly Side of Center Line |
|----------|----|----------|--|
| 74+00.00 |    | 77+14.00 | 45.00                                  |
| 77+14.00 |    | 77+35.00 | 68.00                                  |

Bearings are based on County Survey No. 21485, filed February 27, 2025 Deschutes County Surveyor's Office.

This parcel of land contains 1,585 square feet, more or less, outside the existing right of way.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Brian C. Coursen* 9/30/25

OREGON  
DECEMBER 11, 2012  
BRIAN C. COURSEN  
86998

Renews: 12-31-2025

"F" 72+78.63 P.I.

"F" 77+48.63 P.I.

## NE FRANKLIN AVENUE

N89°59'11"E 470.00'

75+00

40.00'

STATUTORY WARRANTY  
DEED 2000-42261

45.00'

68.00'

+35.00'

NE 4TH ST

**PARCEL 1**  
TCE  
1,585 SQ.FT.±

KATHERINE FLOYD  
STATUTORY BARGAIN AND  
SALE DEED  
VOL. 2007, PG. 61790

TAX MAP  
AND LOT  
171233CB  
08500

### LEGEND

--- TEMPORARY CONSTRUCTION EASEMENT  
(TCE)

40 0 40  
SCALE IN FEET



# DOWL

WWW.DOWL.COM

1001 SW Emkay Drive, Suite 120  
Bend, Oregon 97702  
541-385-4772

MIDTOWN CROSSINGS - FRANKLIN AVENUE IMPROVEMENTS  
TAX MAP & LOT 171233CB 08600  
KATHERINE FLOYD

|         |            |
|---------|------------|
| PROJECT | 14953-01   |
| DATE    | 04/18/2025 |

EXHIBIT B



**EXHIBIT A**  
**City of Bend**  
**Midtown Crossing – Franklin Avenue Improvements**

**Parcel 1 - Temporary Construction Easement (2 Years or duration of Project, whichever is sooner)**

A parcel of land lying in Parcel 2 of Partition Plat 2024-8, City of Bend, Deschutes County, Oregon and being a portion of that property described in that Statutory Warranty Deed to SCAPE Properties LLC, recorded May 13, 2024 as Volume 2024, Page 11933 Deschutes County Official Records; said parcel being that portion of said property included in a strip of land variable in width lying on the Northerly side of the center line of NW Franklin Avenue, which centerline is described as follows:

Beginning at Engineer's center line Station 50+00.00, said station being South 888.64 feet and West 1882.61 feet of the East One-quarter Corner of Section 32, Township 17 South, Range 12 East, W.M.; thence South 67°17'38" East 309.99 feet; thence North 89°58'59" East 1118.98 feet; thence North 89°58'29" East 479.66 feet; thence North 89°53'49" East 370.00 feet; thence North 89°59'11" East 470.00 feet; thence North 89°56'15" East 920.00 feet to Engineer's center line Station 86+68.63, said station being South 1005.98 feet and East 1762.00 feet of the East One-quarter Corner of said Section 32.

The width in feet of said strip of land is as follows:

| Station  | to | Station  | Width on Northerly Side of Center Line |
|----------|----|----------|--|
| 53+59.00 |    | 53+91.70 | 70.50 in a straight line to 80.38      |
| 53+91.70 |    | 54+02.41 | 80.38 in a straight line to 45.00      |
| 54+02.41 |    | 55+00.00 | 45.00                                  |

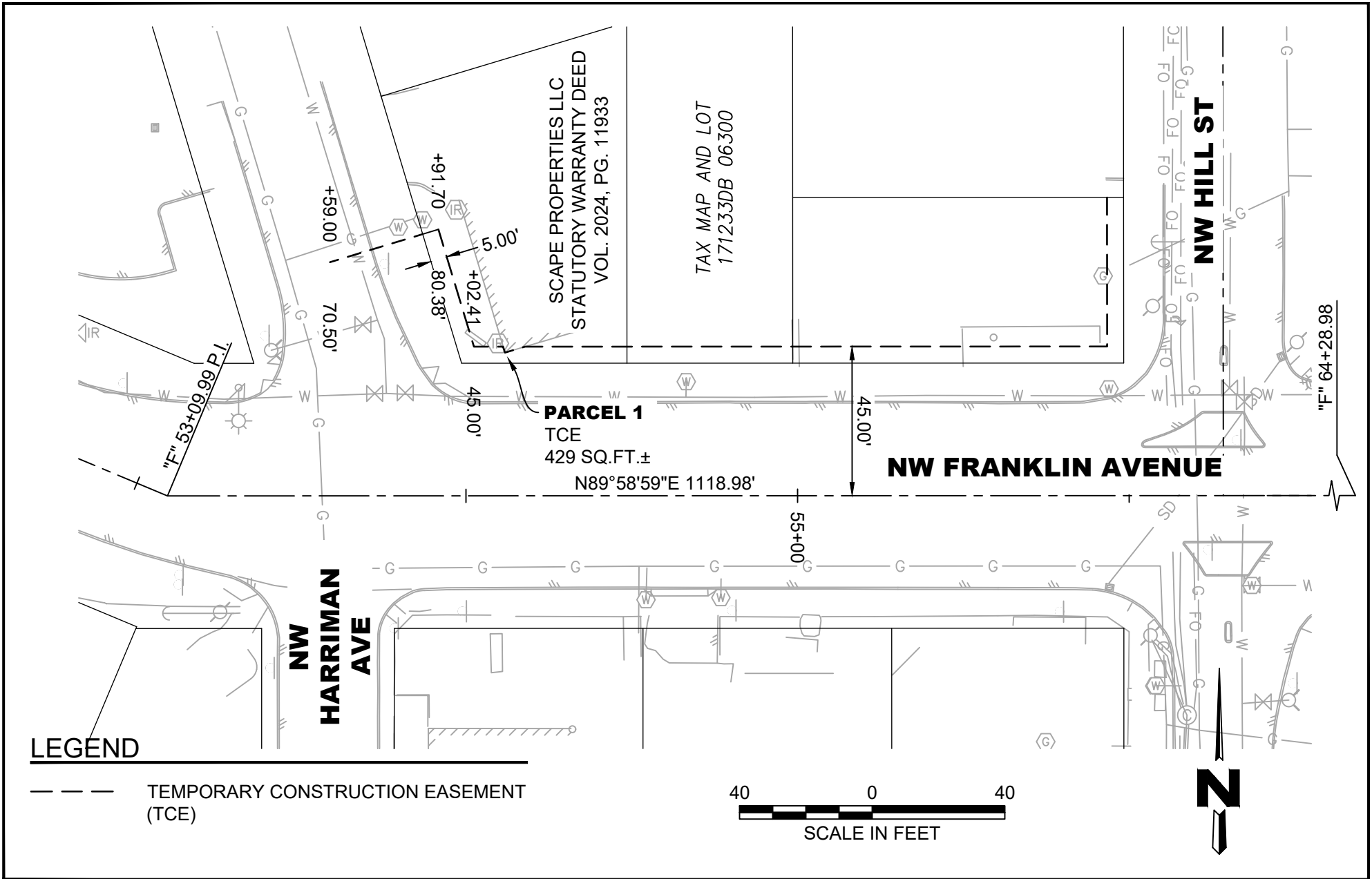
Except therefrom that portion of said parcel lying within the existing building.

Bearings are based on County Survey No. 21485, filed February 27, 2025 Deschutes County Surveyor's Office.

This parcel of land contains 429 square feet, more or less.



Renews: 12-31-2025



|  |  |                         |
|--|--|-------------------------|
| <p><b>DOWL</b></p> <p>WWW.DOWL.COM</p> <p>1001 SW Emkay Drive, Suite 120<br/>Bend, Oregon 97702<br/>541-385-4772</p> | <p>MIDTOWN CROSSINGS - FRANKLIN AVENUE IMPROVEMENTS</p> <p>TAX MAP &amp; LOT 171232DB 06400</p> <p>SCAPE PROPERTIES, LLC</p> | <p>PROJECT 14953-01</p> |
|  |  | <p>DATE 03/07/2025</p>  |
|  |  | <p><b>EXHIBIT B</b></p> |





**EXHIBIT A**  
**City of Bend**  
**Midtown Crossing – Franklin Avenue Improvements**

**Parcel 1 - Temporary Construction Easement (2 Years or duration of Project, whichever is sooner)**

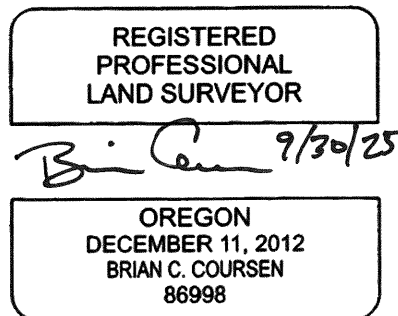
A parcel of land lying in the NE1/4, SE1/4 of Section 32, Township 17 South, Range 12 East, W.M., City of Bend, Deschutes County, Oregon and being a portion of that property described in that Statutory Bargain and Sale Deed to 612 NW Hill, LLC, recorded March 4, 2021 as Volume 2021, Page 13642 Deschutes County Official Records; said parcel being more particularly described as follows:

The southerly 5.00 feet of said property;

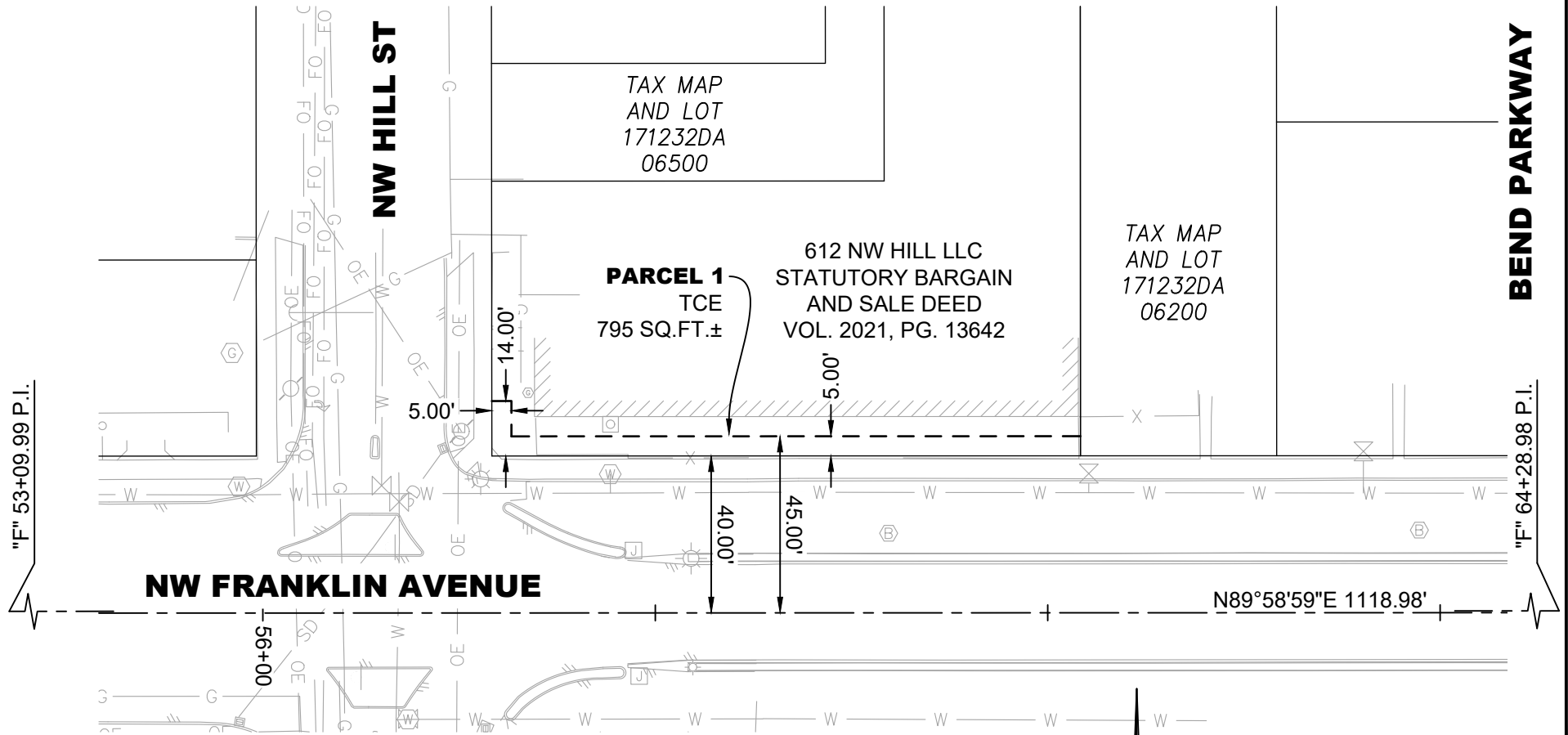
**Together with** the westerly 5.00 feet of the southerly 14.00 feet of said property.

Bearings are based on County Survey No. 21485, filed February 27, 2025 Deschutes County Surveyor's Office.

This parcel of land contains 795 square feet, more or less.



Renews: 12-31-2025



## LEGEND

--- TEMPORARY CONSTRUCTION EASEMENT (TCE)

40 0 40  
SCALE IN FEET

**DOWL**

WWW.DOWL.COM

1001 SW Emkay Drive, Suite 120  
Bend, Oregon 97702  
541-385-4772

MIDTOWN CROSSINGS - FRANKLIN AVENUE IMPROVEMENTS  
TAX MAP & LOT 171232DA 06600  
612 NW HILL LLC

PROJECT 14953-01  
DATE 04/18/2025

EXHIBIT B



**EXHIBIT A**  
**City of Bend**  
**Midtown Crossing – Franklin Avenue Improvements**

**Parcel 1 - Public Right-of-Way Dedication**

A parcel of land lying in the NW1/4,SW1/4 of Section 33, Township 17 South, Range 12 East, W.M., City of Bend, Deschutes County, Oregon and being a portion of that property described in that Statutory Warranty Deed to Bend Towne Center Limited Partnership, recorded August 25, 1987 as Volume 150, Page 1248 Deschutes County Official Records; said parcel being that portion of said property included in a strip of land variable in width lying on the Northerly side of the center line of NE Franklin Avenue, which centerline is described as follows:

Beginning at Engineer's center line Station 50+00.00, said station being South 888.64 feet and West 1882.61 feet of the East One-quarter Corner of Section 32, Township 17 South, Range 12 East, W.M.; thence South 67°17'38" East 309.99 feet; thence North 89°58'59" East 1118.98 feet; thence North 89°58'29" East 479.66 feet; thence North 89°53'49" East 370.00 feet; thence North 89°59'11" East 470.00 feet; thence North 89°56'15" East 920.00 feet to Engineer's center line Station 86+68.63, said station being South 1005.98 feet and East 1762.00 feet of the East One-quarter Corner of said Section 32.

The width in feet of said strip of land is as follows:

| Station  | to | Station  | Width on Northerly Side of Center Line |
|----------|----|----------|--|
| 77+05.50 |    | 77+25.00 | 40.00 in a straight line to 60.00      |

Bearings are based on County Survey No. 21485, filed February 27, 2025 Deschutes County Surveyor's Office.

This parcel of land contains 88 square feet, more or less, outside the existing right of way.

**Parcel 2- Temporary Construction Easement (2 Years or duration of Project, whichever is sooner)**

A parcel of land lying in the NW1/4,SW1/4 of Section 33, Township 17 South, Range 12 East, W.M., City of Bend, Deschutes County, Oregon and being a portion of that property described in that Statutory Warranty Deed to Bend Towne Center Limited Partnership, recorded August 25, 1987 as Volume 150, Page 1248 Deschutes County Official Records; said parcel being that portion of said property included in a strip of land variable in width lying on the Northerly side of the center line of NE Franklin Avenue, which centerline is described in Parcel 1.



The width in feet of said strip of land is as follows:

| Station  | to | Station  | Width on Northerly Side of Center Line |
|----------|----|----------|--|
| 73+10.00 |    | 73+46.00 | 80.50 in a straight line to 45.00      |
| 73+46.00 |    | 76+98.00 | 45.00                                  |
| 76+98.00 |    | 77+05.50 | 49.00 in a straight line to 56.00      |
| 77+05.50 |    | 77+30.00 | 56.00                                  |

EXCEPT therefrom Parcel 1.

This parcel of land contains 2,170 square feet, more or less, outside the existing right of way.

**Parcel 3- Temporary Construction Easement (2 Years or duration of Project, whichever is sooner)**

A parcel of land lying in the NW1/4, SW1/4 of Section 33, Township 17 South, Range 12 East, W.M., City of Bend, Deschutes County, Oregon and being a portion of that property described in that Statutory Warranty Deed to Bend Towne Center Limited Partnership, recorded August 25, 1987 as Volume 150, Page 1248 Deschutes County Official Records; said parcel being that portion of said property more particularly described as follows;

The East 1.00 feet of the South 85.00 feet of said property.

EXCEPT therefrom Parcel 1 and Parcel 2.

This parcel of land contains 54 square feet, more or less.



Renews: 12-31-2025

