



RESOLUTION NO. 3464

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.

Resolution

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

02/18/2026

Yes: Kebler, Méndez, Norris, Perkins, Platt, Riley

No:

Melanie Kebler, Mayor

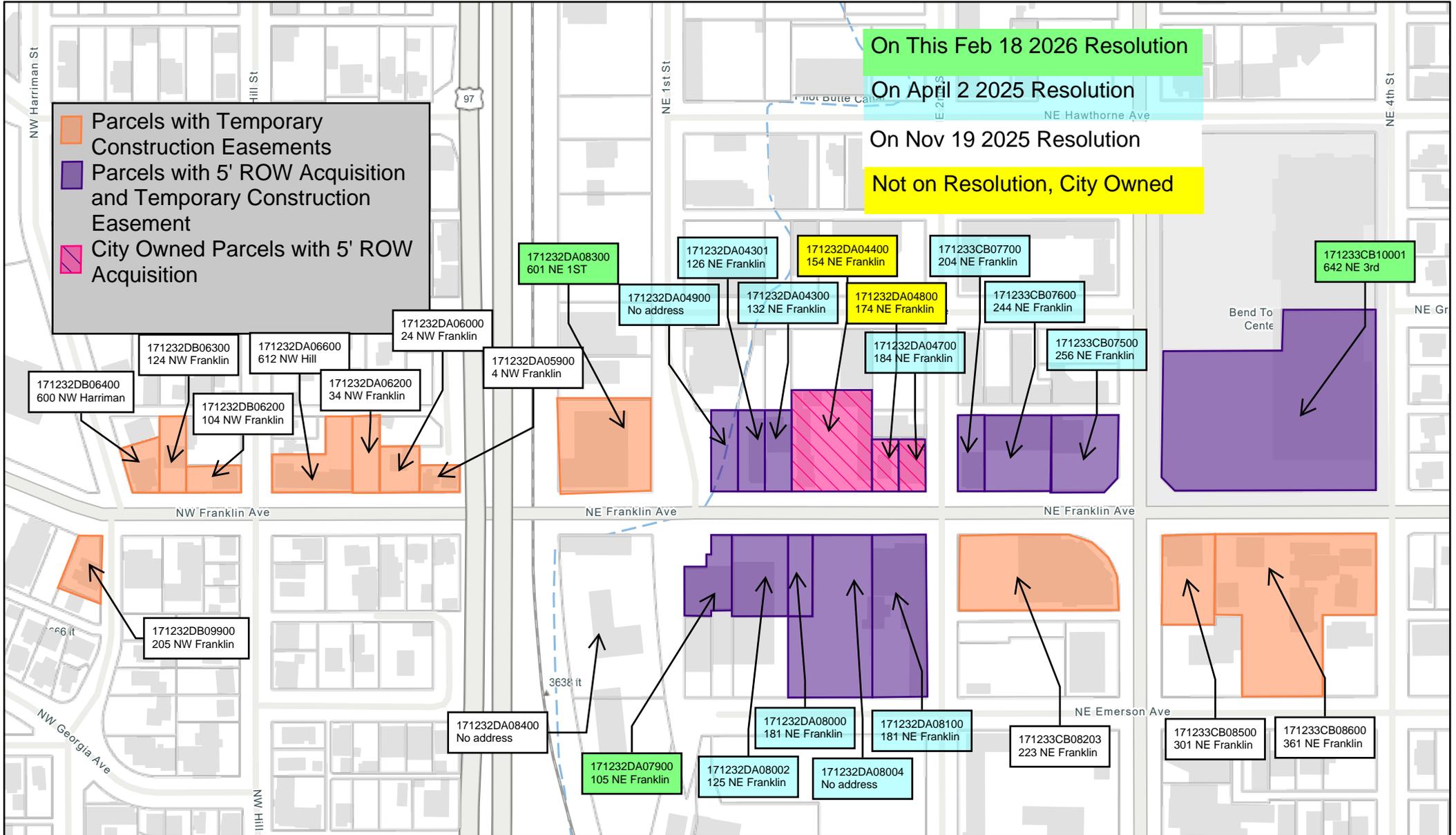
Attest:

Ashley Bontje, City Recorder

Approved as to form:

Ian Leitheiser, City Attorney

ArcGIS Web Map



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

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

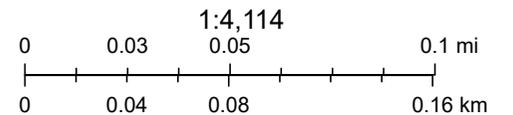




EXHIBIT A
City of Bend
Midtown Crossing – Franklin Avenue Improvements

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 Paul F. Imwalle and Catherine J. Imwalle, Trustees, of the Paul and Catherine Imwalle Joint Trust, dated January 31, 2020, in volume 2020, page 04592 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 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 1,745 square feet, more or less, outside the existing right of way.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

B. C. Course 1/23/26

OREGON
DECEMBER 11, 2012
BRIAN C. COURSEN
86998

Renews: 12-31-2027

BNSF RAILROAD

**PAUL AND CATHERINE
IMWALLE TRUST**
BARGAIN AND SALE DEED
VOL. 2020, PG. 04592

NE 1ST STREET

PARCEL 1
TCE
1,745 SQ.FT.±

"F" 53+09.99 P.I.

"F" 64+28.98 P.I.

N89°58'59"E 1118.98'

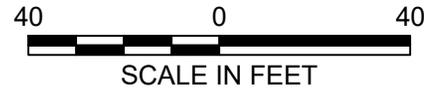
40.00'
50.00'

NW FRANKLIN AVENUE



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 08300
IMWALLE TRUST

PROJECT 14953-01
DATE 01/23/2026

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
73+10.00		77+10.00	45.00'
77+10.00		77+17.00	45.00 in a straight line to 49.83
77+17.00		77+30.00	49.83

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

This parcel of land contains 1,912 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+41.00	80.50 in a straight line to 50.00
73+41.00		74+82.00	50.00
74+82.00		75+53.00	62.00
75+53.00		76+58.00	50.00
76+58.00		77+30.00	56.00

EXCEPT therefrom Parcel 1.

This parcel of land contains 3,234 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 69 square feet, more or less.

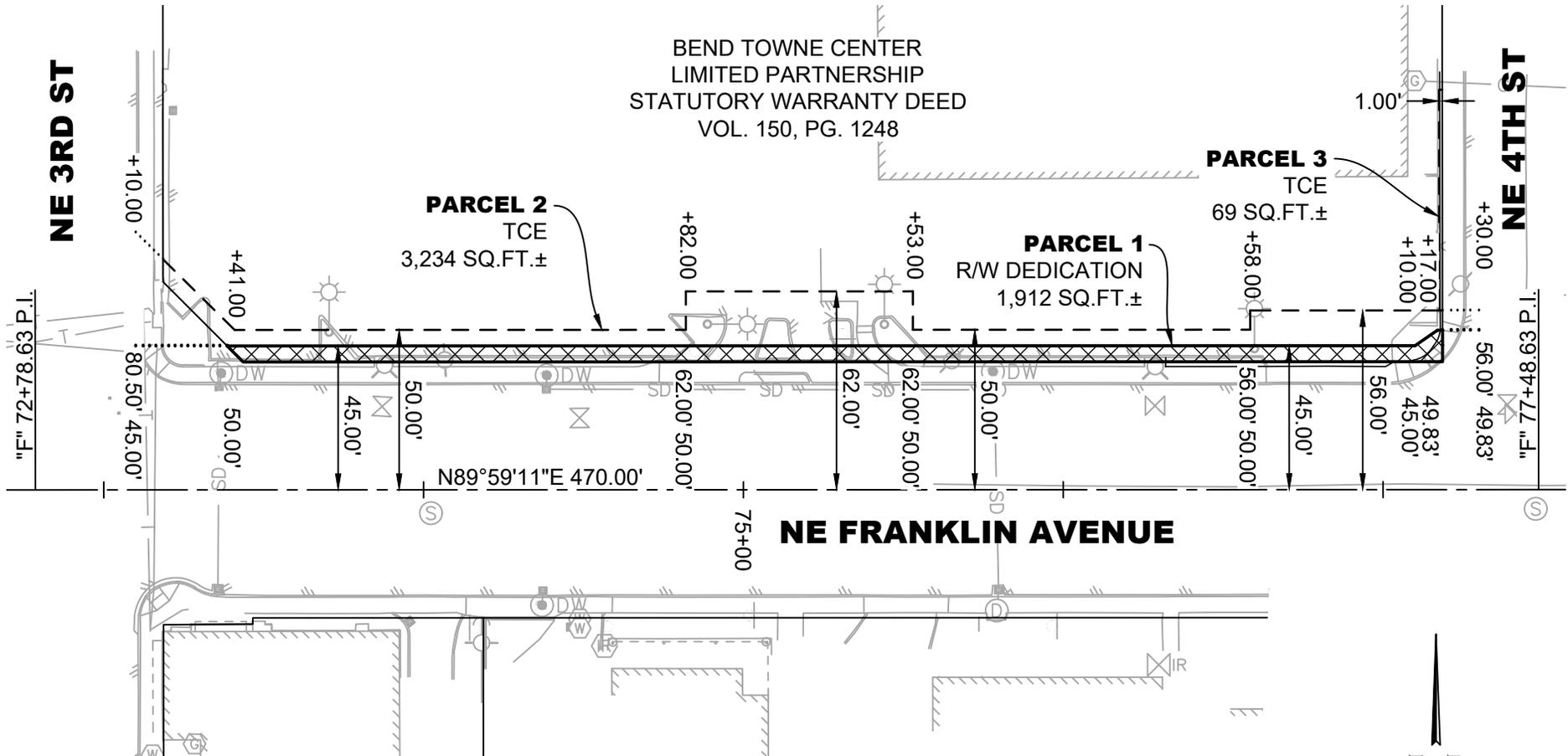
REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Brian C. Coursen 1/27/26

OREGON
 DECEMBER 11, 2012
 BRIAN C. COURSEN
 86998

Renews: 12-31-2027

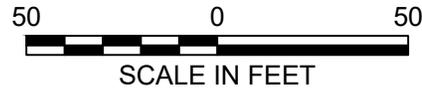
BEND TOWNE CENTER
LIMITED PARTNERSHIP
STATUTORY WARRANTY DEED
VOL. 150, PG. 1248



NE FRANKLIN AVENUE

LEGEND

-  RIGHT OF WAY DEDICATION
-  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 10001
BEND TOWNE CENTER LIMITED PARTNERSHIP

PROJECT 14953-01
DATE 01/26/2026

EXHIBIT B



EXHIBIT A
City of Bend
Midtown Crossings – 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 property designated as Parcel 1 as described in that Statutory Warranty 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 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 200 square feet, more or less, outside the existing right of way.

Parcel 2 - Temporary Construction Easement (2 years or duration of Project, which ever 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 Warranty 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 lying between lines at right angles to the center line of NE Franklin Avenue at Engineer's Stations 63+27.00 and 63+80.00 and included in a strip of land 45.00 feet in width, lying on the Southerly side of said center line, which center line is described in Parcel 1.

This parcel of land contains 215 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 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 Warranty 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:

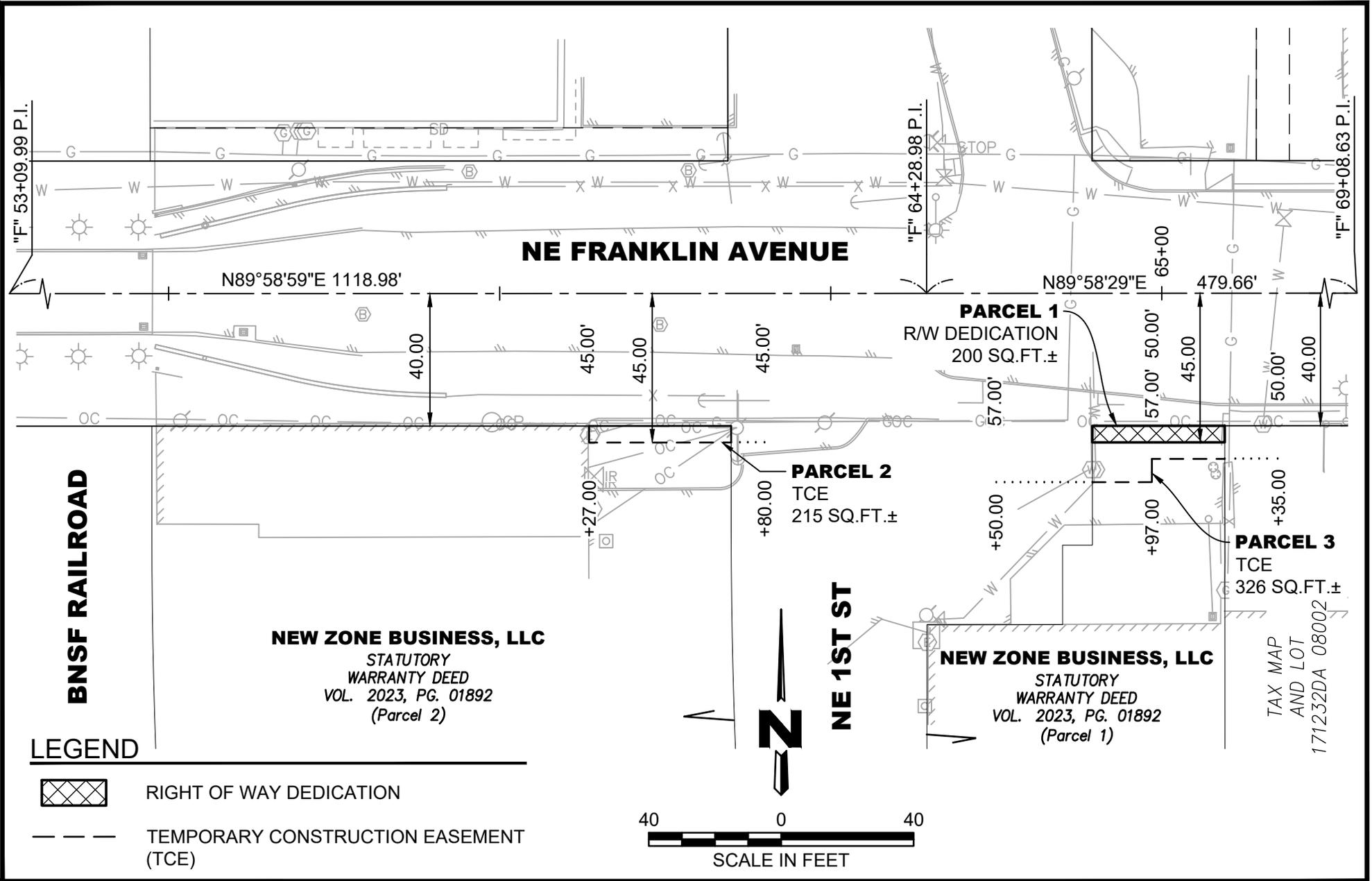
Station	to	Station	Width on Southerly Side of Center Line
64+50.00		64+97.00	57.00
64+97.00		65+35.00	50.00

Except therefrom Parcel 1.

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



Renews: 12-31-2027



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 07900 & 08400
NEW ZONE BUSINESS, LLC

PROJECT	14953-01
DATE	01/23/2026
EXHIBIT B	