CITY OF BEND

City Hall
710 NW Wall Street
Bend, OR 97703

RESOLUTION NO. 3498

A Resolution of the City Council Exercising the Power of Eminent Domain for the Reed Market Bridge 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 Reed Market Bridge Project (the "Project" or the "grade separation Project") will accomplish a grade separation of the existing Reed Market Road/Burlington Northern Santa Fe ("BNSF") at-grade rail crossing. In an effort to create a corridor that moves people efficiently and safely and includes all roadway users, the City has been studying Reed Market Road for the past 20 years, starting with the 2005 Reed Market Corridor Study Existing Conditions Technical Report. That Report identified key deficiencies along the corridor including congestion, poor operations, high crash rates and unpredictable delays for users at the BNSF at-grade railroad crossing at Reed Market Road. A 2006 Reed Market Corridor Summary Report identified the ultimate design of the corridor and prioritized high priority and interim projects, including the grade separation Project.

D. The City's community-driven Transportation System Plan ("TSP") update undertaken between 2018 and 2020 identified improvements to the at-grade railroad crossing at Reed Market Road, including the grade separation. The Bend City Council adopted the TSP in 2020. TSP projects were included in the Transportation General Obligation (GO) bond passed by Bend voters in November 2020 to fund priority traffic flow, east-west connections and neighborhood safety projects Citywide, including a potential total $55 million for both the Reed Market Corridor and the grade separation Project. In 2021, the grade separation Project was ranked highly in the project prioritization effort completed by the Transportation Bond Oversight Committee.

E. The Project has been planned in accordance with appropriate engineering standards for the construction of street improvements, bicycle and pedestrian access improvements,

and landscaping improvements in a manner most compatible with the greatest public good and the least private injury. The City contracted with Stacy and Witbeck, Inc. on August 17, 2026, under a progressive design-build contract for design and construction services for the Project. During an earlier planning phase, DOWL, LLC prepared preliminary design documents for the Project pursuant to a contract for engineering services entered on August 13, 2024. In the Project's current pre-construction phase, Parametrix, Inc. is the Engineer of Record under Stacy and Witbeck, Inc. for the progressive design-build contract. In that role, Parametrix, Inc. has reviewed and validated DOWL, LLC's preliminary design, and will progress the design to completion.

F. To construct this Project, it is necessary for the City to acquire the property interest described and depicted in Packet A.

G. The property interest described and depicted in Packet A is one of multiple property interests that will be necessary for the construction of the Project. The City will identify such additional necessary property interests as Parametrix, Inc. continues to work with Stacy and Witbeck, Inc. to progress the Project design to completion. All additional property interests necessary to construct the Project will need to be separately declared necessary for the Project in future resolutions authorizing the exercise of the power of eminent domain.

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 serves a public purpose. The property interest described and depicted in Packet A is necessary for the construction of the Project, and its acquisition 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.
2. The power of eminent domain is exercised with respect to the property interest described and depicted in Packet A. The property interest is acquired subject to payment of just compensation and subject to applicable procedural requirements of Oregon and Federal 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 and entities in interest as to the compensation to be paid for the 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 interest described and shown in Packet A, and to take other steps as they determine are necessary to acquire the property interest. The City Manager or designee may make stipulations, admissions, or agreements as they determine may be in the best interest of the City, and to take possession of the property interest at such time as appropriate in their judgment, without necessity of further City Council approval.

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

November 4, 2026

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

No:

Melanie Kebler, Mayor

Attest:

Ashley Bontje, City Recorder

Approved as to form:

Ian Leitheiser, City Attorney

Parametrix
let's create tomorrow, together

EXHIBIT A

LEGAL DESCRIPTION
TAX LOT 1700
TAX MAP 18 12 04DC

A PARCEL OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (SW1/4 SE1/4) OF SECTION 4, TOWNSHIP 18 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON; SAID PARCEL BEING A PORTION OF THE PROPERTY DESCRIBED IN THAT STATUTORY BARGAIN AND SALE DEED RECORDED JUNE 26, 2017 AS DOCUMENT NO. 2017-024467, DESCHUTES COUNTY OFFICIAL RECORDS, LYING NORTHERLY OF THE NORTHERLY RIGHT-OF-WAY LINE OF SE REED MARKET ROAD ESTABLISHED BY THAT DEDICATION DEED RECORDED FEBRUARY 3, 2014 AS DOCUMENT NO. 2014-003191, DESCHUTES COUNTY OFFICIAL RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE COMMON CORNER OF SECTIONS 3, 4, 9 AND 10, BEING A FOUND 3-INCH BRASS CAP ON A 2-1/2-INCH IRON PIPE IN A MONUMENT WELL, MARKED "DESCHUTES COUNTY SURVEYOR'S OFFICE T18S R12E 4 3 9 10 PLS 77040 2018"; THENCE NORTH 87°32'53" WEST 1,520.02 FEET TO A FOUND 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP MARKED "HWA" AT THE INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY LINE OF SE REED MARKET ROAD AND THE WESTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD, SAID POINT BEING THE SOUTHEAST CORNER OF SAID PARCEL AND THE POINT OF BEGINNING;

THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF SE REED MARKET ROAD, NORTH 89°26'36" WEST 245.07 FEET TO A FOUND 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP MARKED "TYE ENGINEERING," SAID POINT BEING THE SOUTHWEST CORNER OF SAID PARCEL;

THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE WESTERLY LINE OF THE PROPERTY DESCRIBED IN DOCUMENT NO. 2017-024467, NORTH 04°36'33" WEST 119.89 FEET TO THE NORTHWEST CORNER THEREOF;

THENCE ALONG THE NORTHERLY LINE OF THE PROPERTY DESCRIBED IN DOCUMENT NO. 2017-024467, NORTH 87°37'21" EAST 214.70 FEET TO A FOUND 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP MARKED "TYE ENGINEERING," SAID POINT BEING THE NORTHEAST CORNER OF SAID PARCEL AND A POINT ON SAID WESTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD;

THENCE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD 136.83 FEET ALONG THE ARC OF A 2,764.80-FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 02°50'08", THE LONG CHORD OF WHICH BEARS SOUTH 17°04'30" EAST 136.82 FEET TO THE POINT OF BEGINNING.

BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE CENTRAL OREGON COORDINATE SYSTEM (COCS), NAD 83 (1991), AS ESTABLISHED BY RTK GNSS FROM RECOVERED CONTROL MONUMENTS SHOWN ON DESCHUTES COUNTY SURVEY NO. 21727.

CONTAINS 28,915 SQUARE FEET, MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Justin Hollenbeck
Date: 2026.10.02 16:16:56 -07'00'

OREGON
March 8, 2016
Justin M. Hollenbeck
84037PLS

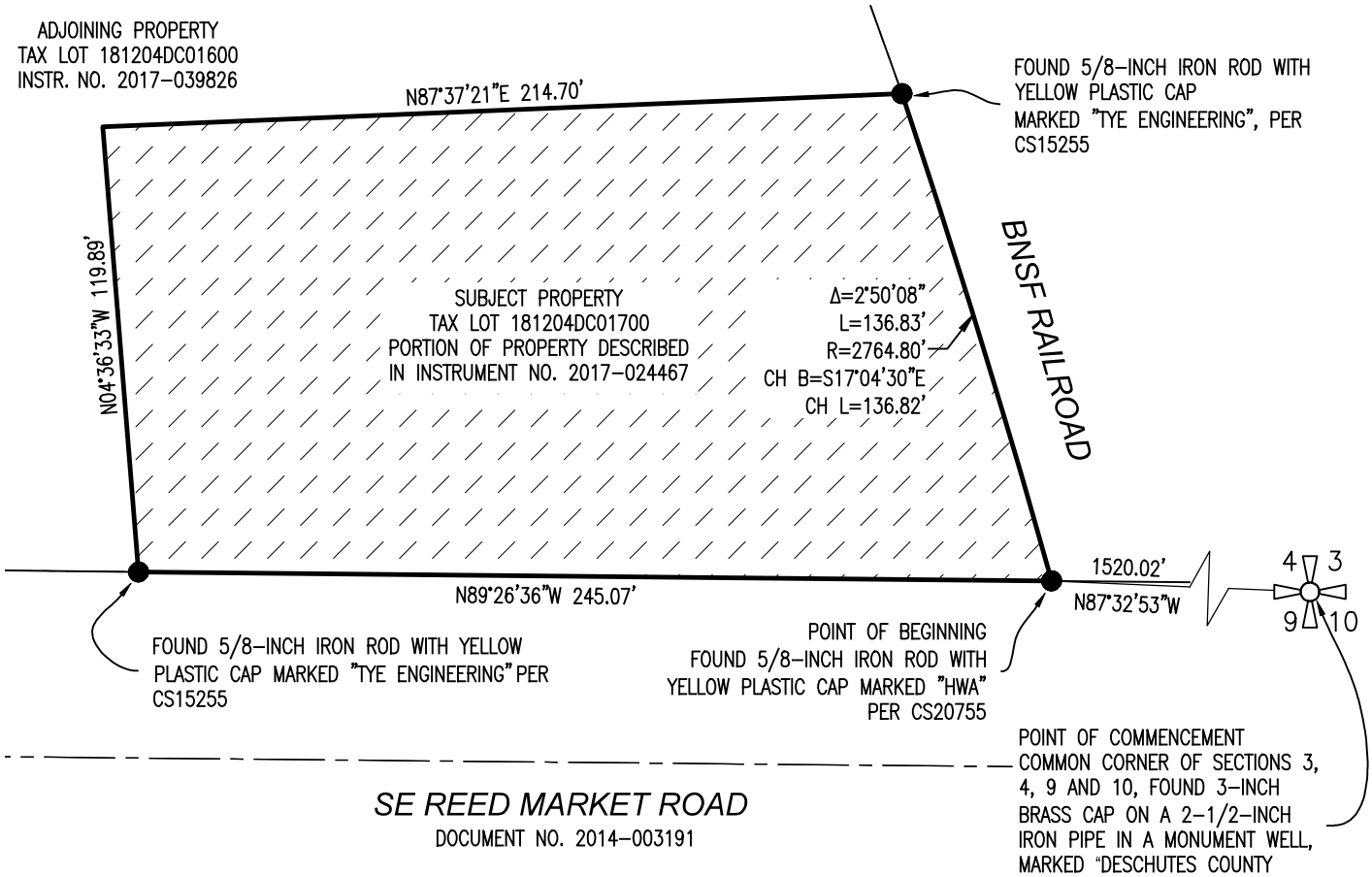
EXPIRES: 6-30-2027

EXHIBIT B

PROPERTY ACQUISITION EXHIBIT

TAX LOT 1700 TAX MAP 18 12 04DC

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 4, TOWNSHIP 18 SOUTH, RANGE 12 EAST, W.M., CITY OF BEND, DESCHUTES COUNTY, OREGON



N

0 50

1 INCH = 50 FT.

BASIS OF BEARINGS

BEARINGS SHOWN HEREON ARE BASED ON THE CENTRAL OREGON COORDINATE SYSTEM (COCS), NAD 83 (1991), AS ESTABLISHED BY RTK GNSS FROM RECOVERED CONTROL MONUMENTS SHOWN ON DESCHUTES COUNTY SURVEY NO. 21727.

LEGEND

- FOUND MONUMENT AS NOTED
- FEE ACQUISITION PARCEL ± 28,915 SQ. FT.
- FEE AQUISITION BOUNDARY
- EXISTING RIGHT-OF-WAY
- ROAD CENTERLINE

REGISTERED PROFESSIONAL LAND SURVEYOR

Justin Hollenbeck

Date: 2026.10.02 16:17:39 -07'00'

OREGON
March 8, 2016
Justin M. Hollenbeck
84037PLS

EXPIRES: 6-30-2027

EXHIBIT: B	REED MARKET BRIDGE PROJECT PROPERTY ACQUISITION TAX LOT 181204DC01700
DRWN: JMH	
CHKD: JMH	
JOB: 294-4146-013	
DATE: OCTOBER 2, 2026	

Parametrix
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Ph: 541.508.7710