



Bend Metro Park & Recreation District

July 2, 2024

Board of Directors

Agenda and Reports

www.bendparksandrec.org



play for life



Our Vision

To be a leader in building a community connected to nature, active lifestyles and one another.

Our Mission

To strengthen community vitality and foster healthy, enriched lifestyles by providing exceptional park and recreation services.

We Value

Excellence by striving to set the standard for quality programs, parks and services through leadership, vision, innovation and dedication to our work.

Environmental Sustainability by helping to protect, maintain and preserve our natural and developed resources.

Fiscal Accountability by responsibly and efficiently managing the financial health of the District today and for generations to come.

Inclusiveness by reducing physical, social and financial barriers to our programs, facilities and services.

Partnerships by fostering an atmosphere of cooperation, trust and resourcefulness with our patrons, coworkers and other organizations.

Customers by interacting with people in a responsive, considerate and efficient manner.

Safety by promoting a safe and healthy environment for all who work and play in our parks, facilities and programs.

Staff by honoring the diverse contributions of each employee and volunteer, and recognizing them as essential to accomplishing our mission.



District Office | Don Horton, Executive Director

799 SW Columbia St., Bend, Oregon 97702 | www.bendparksandrec.org | (541) 389-7275

BOARD AGENDA COMMUNICATION

AGENDA DATE:	July 2, 2024
SUBJECT:	Art Station Project Update
STAFF RESOURCE:	Jason Powell, Construction Manager Matt Mercer, Director of Recreation
PREVIOUS BOARD ACTION:	September 19, 2023, Future Art Station Facility December 19, 2023, Award Professional Services Contract for the Art Station Project
ACTION PROPOSED:	None
STRATEGIC PLAN:	
Pillar:	Operations & Management Practices
Outcome:	A balance between caring for existing infrastructure and new development
Strategy:	Ensure the district is maintaining its adopted level of service targets

BACKGROUND

The district has provided a comprehensive art program for youth and adults since taking over operations of the Art Station from Arts Central seven-years ago. The Art Station was located in the old train depot in the Old Mill District across from the amphitheater at a reduced rent. The lease was discontinued in April 2022 in order for the building to be used to support the growing use of the amphitheater. Over the past year and a half, the district has offered art programs at Larkspur Community Center, Harmon Hobby Hut and in various Bend area schools. During this same period, district staff explored potential sites and facilities for a future centralized home for district art programs.

In September of 2023, district staff recommended to the board locating a new Art Station facility at Larkspur Park, across the lawn area from the Larkspur Center. Staff received board consensus to move forward with the project at Larkspur Park and proceed with hiring an architect.

On October 5, 2023, the district advertised the Request for Proposal (RFP) for professional design services for the Art Station Project. The scope-of-work in the RFP included project management, survey, design development, construction documents, permitting, cost estimating, bidding and construction administration services. On December 19, 2023, a contract was awarded to Hacker Architects for the Art Station Project.

Since that time the architectural team and staff have conducted interviews and outreach with key staff to help develop the conceptual plan being shared with the board during the meeting. The design team will advance the project towards construction level documents with an anticipated

submittal to the city for permits early this coming winter. Pending permit issuance, construction is anticipated to start in late 2025 and continue into 2026.

Preliminary cost estimating based on the current concept design is in excess of \$3 million. Staff will be considering all options to preserve the function of the building while reducing costs as we continue through the design process. During the board meeting, staff will share a more detailed overall update on the project, the current conceptual design and preliminary cost estimates.

BUDGETARY IMPACT

The 2025-2029 CIP allocates \$3,000,000 total funding for the project. Of this funding \$2,300,000 is System Development Charge (SDCs) funds and \$700,000 is property taxes. To date, the district issued a design contract to Hacker Architects for \$235,000. The remaining funding is designated for permitting, construction and other miscellaneous owner's costs. Depending on costs estimates once a higher level of design is achieved, staff may need to re-evaluate the project budget in the next CIP budgeting cycle this coming winter.

STAFF RECOMMENDATION

None

MOTION

None

ATTACHMENT

None

June 4, 2024

A video of the regular board meeting can be viewed on the website:
<https://www.bendparksandrec.org/about/board-meeting-videos/>

Nathan Hovekamp
Donna Owens
Deb Schoen
Jodie Barram
Cary Schneider

Don Horton, Executive Director
Michelle Healy, Deputy Executive Director
Matt Mercer, Director of Recreation
Kristin Toney, Administrative Services Director
Julie Brown, Manager of Communications and Community Relations
Sheila Reed, Assistant to the Executive Director
Sasha Sulia, Superintendent of Park Services
Brian Hudspeth, Development Manager
Eric Baird, Finance Manager

Alison Lynch-Miller: Ms. Lynch-Miller shared her concerns about hate speech at the Pride event at Drake Park the past weekend. She shared two impact statements from attendees at the Pride event.

1. Minutes: 5/7/2024
2. Approve Sponsorship Policy

Director Owens made a motion to approve the consent agenda. Director Schoen seconded. The motion was approved unanimously, 5-0.

1. Adopt Resolution No. 2024-05 Adopting the 2025-2029 CIP – *Michelle Healy*

Ms. Healy said this resolution is part of the budget process and the details of the CIP, a five-year planning document, have been discussed at the budget committee meetings.

Director Schoen made a motion to adopt Resolution No. 2024-05, adopting the Five-Year Capital Improvement Plan for fiscal years ending 2025-2029. Director Barram seconded. The motion was approved unanimously, 5-0.

2. Hold Public Hearing and Adopt Resolution No. 2024-06 – Adopting the Budget and Making Appropriations for Fiscal Year 2024-25, and Adopt Resolution No. 2024-07 - Imposing and Categorizing Taxes for Fiscal Year 2024-25 – *Kristin Toney (10 min)*

Director Hovekamp opened the public hearing for public comments, there were none and he closed the hearing.

Ms. Toney said the board is in the last step of the budget process. She reviewed the budget and appropriations that were discussed in detail at the budget committee meeting in May. She briefly reviewed the budget and how the funds are spent.

The board thanked Ms. Toney and the rest of the budget committee for their work on the budget and acknowledged the improvement in the ease of understanding the budget year over year.

Director Barram made a motion to adopt Resolution No. 2024-06 Adopting the Budget and Making Appropriations for Fiscal Year 2024-25. Director Schneider seconded. The motion was approved unanimously, 5-0.

Director Owens made a motion to adopt Resolution No. 2024-07 Imposing and Categorizing Taxes for Fiscal Year 2024-25. Director Schoen seconded. The motion was approved unanimously, 5-0.

Director Schoen brought a topic to the floor from executive session on the incoming executive director's employment agreement,

Director Schoen moved to amend the new executive director's contract to replace the life insurance provision to provide for a fixed amount policy. Director Owens seconded. The motion was approved unanimously, 5-0.

EXECUTIVE DIRECTORS REPORT

- Executive Director Horton spoke about the increase of children in Kids Inc programs that will be served this year. He shared the breakdown of part-time and full-time participants and kids on scholarship as well. He said the district is at space capacity for the program.
- He announced there will be no meeting June 18 or the month of August.
- He shared that two big maintenance projects with big dollar amounts are coming including the Whitewater Park facility. He said it was evaluated and some maintenance issues have been discovered that will likely be in the next budget. The second project is the Boys and Girls Club, the entry staircase wall needs repaired, the district is hiring an architect to look at some options for repair.
- He said there is a tree code letter in their folders, and said Donna and Nathan met with staff to help craft the letter in support of the tree code.
- He said the HR manager position is advertised broadly, and staff will keep the board posted on the recruitment.
- He shared his appreciation for Director Hovekamp's leadership and said has enjoyed working with him.

BOARD MEETINGS CALENDAR REVIEW

GOOD OF THE ORDER

- Director Schneider shared his appreciation for his transistion and staff's help in getting him up to speed on the board.
- Director Owens thanked staff for meeting with her about the city tree code. She said the Hollinshead open house was well attended and she appreciates staff work on the complaints that have been received on noise around the Pavilion. She commented that the food at Larkspur Café is great and gave her congratuatlions for getting that going.

- Director Barram thanked Director Hovekamp for his leadership style as chair of the board. She acknowledged the transistion of the exectutive director leadership and thanked executive director Horton for his service.
- Director Hovekamp said at the change of the fiscal year there is a change in leadership with Ms. Healy taking over. He suggested scheduling a meeting to create goals for her year. He said he would like a meeting added to the calendar to discuss this.

Director Hovekamp said it has been the practice of the board to consider a bonus for the executive director in lieu of a merit increase of 0-3%. He suggested that the executive director has earned the bonus and recommended 3%.

Director Hovekamp made a motion to offer Don Horton, executive director, a bonus of 3% of the base salary for his outstanding service of the past year. Director Schoen seconded. The motion was approved unanimously, 5-0.

He thanked the board for serving with him as he served as chair. He thanked Director Barram for her support as vice-chair and he gave gifts to Director Barram and Executive Director Horton.

ADJOURN: 6:50 pm

♦ ♦ ♦ ♦ ♦ ♦ ♦ ♦ ♦ ♦ ♦ ♦

Prepared by,

Sheila Reed
Assistant to the Executive Director

Nathan Hovekamp, Chair

Jodie Barram, Vice-Chair

Donna Owens

Deb Schoen

Cary Schneider



June 26, 2024

SUBJECT: Bend Park and Recreation District comments on proposed amendments to the Bend Development Code regarding tree regulation and landscaping.

Dear Ms. Hardie and Planning Commissioners:

On behalf of the Bend Park and Recreation District (BPRD, district), I am writing to submit comments on the proposed revisions to the Bend Development Code for tree regulation and landscaping standards. The district appreciates the city's efforts to enhance environmental sustainability and preserve more trees within our community. However, after careful review, we are concerned that the proposed regulations will neither meaningfully increase tree preservation nor meet the expectations of the community. Our constituents have voiced strong concerns that not enough trees are currently being preserved. Trees are vital to our environment, providing numerous benefits such as improving air quality, reducing urban heat islands, and increasing mental and physical health outcomes.

City staff provided examples of on-site tree preservation for eight recent developments within Bend. While these aren't statistically representative of the entire city, they do provide an illustrative example of typical developments. Using the examples provided, the cumulative preservation for priority trees is 24.4%; the proposed regulation only requires 20%. Similarly, the proposed regulations require that 25% of the total diameter at breast height (DBH) of regulated trees are preserved. The actual number of DBH preserved across these developments is 28.6%, again exceeding the proposed regulation. The proposed regulations will positively affect some sites, but 62.5% (5 of 8) of these developments already meet the proposed "20 percent of all Priority Trees" option and 50.0% (4 out of 8) already meet the "25 percent of the total DBH of all Regulated Trees" option. The district strongly urges the Planning Commission to recommend a higher required percentage for both of these options.

Number of Trees 20" or Larger (Priority Trees)

	Sky Vista Single-Unit 9.13 Acres	Poplar Cottages 0.54 Acres	Century Mixed- Use 1.50 Acres	Veridian Multi- Unit 2.81 Acres	Caraway Master Plan (Phase 1) 16.81 Acres	Parkside Place Master Plan 37.10 Acres	Bri Multi- Unit 2.23 Acres	Bulletin Multi- Unit 1.57 Acres
Trees 20" or Larger								
Actual Trees 20"+	30	12	14	14	15	39	5	6
Actual Preservation	2	1	0	3	6	11	5	5
→ 20%	6	2.4	2.8	2.8	3	7.8	1	1.2
25%	7.5	3	3.5	3.5*	3.75	9.75	1.25	1.5
30%	9	3.6	4.2	4.2	4.5	11.7*	1.5	1.8

* save one more 20" tree or round down

DBH (Regulated and Priority)

	Sky Vista Single-Unit 9.13 Acres	Poplar Cottages 0.54 Acres	Century Mixed- Use 1.50 Acres	Veridian Multi- Unit 2.81 Acres	Caraway Master Plan (Phase 1) 16.81 Acres	Parkside Place Master Plan 37.10 Acres	Bri Multi- Unit 2.23 Acres	Bulletin Multi- Unit 1.57 Acres
DBH								
Actual On-Site DBH	1739	715	897	968	3484	2564	324	362
Actual Preservation	44	207	0	144	1352	392	233	206
% Preserved	2.53%	28.95%	0.00%	14.88%	38.81%	15.29%	71.91%	56.91%
20%	347.8	143	179.4	193.6	696.8	512.8	64.8	72.4
25%	434.75	178.75	224.25	242	871	641	81	90.5
30%	521.7	214.5*	269.1	290.4	1045.2	769.2	97.2	108.6

* save one more 8" tree

The district recognizes the importance of balancing the need for tree preservation with housing production, and that it is important for the development code to provide flexibility for unique sites where meeting either of the previously mentioned options is infeasible. However, the proposed

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District Office | Don Horton, Executive Director

regulations would allow developers to choose a third option in which only 5% of the total DBH of all Regulated Trees on-site must be preserved if additional mitigation options are completed. The district is concerned that allowing developers to choose this option at the outset, and not be required to prove why either of the previous options cannot be met, does not create a strong enough incentive to preserve existing trees. Additionally, graphics provided on the City's website imply that developers will have to evaluate preserving higher percentages of existing trees *before* choosing the 5% option but this is not supported by the proposed code. The district also suggests that the Planning Commission further evaluate this option, particularly given that the payment in lieu fee is proposed to be \$600, which the district does not feel is sufficient enough to dissuade choosing this option.

BPRD staff and board members have also compiled a list of comments and questions which are listed below:

Specific Comments and Questions:

Chapter 1.2 Definitions

Priority Tree and Regulated Tree (page 4)

The district suggests revising the definitions for priority and regulated trees to indicate that the tree is healthy. A diseased, dying, or dead tree should not be considered a priority tree and therefore shouldn't be counted toward tree preservation. Section 3.2.200.B.1.b may also need to be updated as it gives the option of preserving or not preserving poor and very poor trees. The district understands that some dead trees are beneficial for providing habitat. Given that this is hard to regulate outside of the WOZ or ASI, it's suggested that trees in poor to dead condition are excluded entirely except within the WOZ or an ASI.

Chapter 1.3 Enforcement

1.3.300.C Removal of Landscaping and Regulated Trees (page 7)

This section gives the city discretion to require that trees removed in violation of the code or land use approval are replaced in an amount at least equivalent to what was removed. The district suggests that the replacement amount be consistent with 3.2.200.E.1.a (quantity of replacement trees based on diameter removed). The subsection does state "at least," giving the city that discretion, but this suggestion will provide clarity, consistency with the code, and act as a deterrent.

This section also requires that landscaping and replacement trees are replaced with an equivalent specimen. A plant may fail to survive or thrive because it's not a good fit for the planting location (sun, shade, soil condition, rock, etc.), and a different species may be a better fit. This section seems to assume that all plans will be developed by a landscape architect/designer with thorough knowledge, which isn't always the case and adds cost.

Chapter 2.7 Special Planned Districts Refinement Plans Area Plans and Master Plans

Article V. Waterway Overlay Zone

2.7.610.D.1 Tree Removal (page 10)

The district supports the revision to allow tree removal for fire mitigation within the WOZ.



As one of the largest landowners within the Waterway Overlay Zone, the district requests an exemption from requiring land use approval to remove trees for wildfire/disease on property owned by BPRD. As a public agency, the district is accountable to the public and is charged with maintaining healthy urban forests, tree canopies, and open spaces. The district offers the following suggestion:

1. *Removal...*

d. For forest health and/or wildfire risk mitigation on property owned by Bend Park and Recreation District as determined by the fire code official or qualified professional/individual. Trees may only be removed by Bend Park and Recreation District staff or their agent.

Article VI. Upland Areas of Special Interest Overlay Zone

2.7.700.D.4, Removal of Vegetation (Page 11 – 12)

The district suggests adding an exemption for tree removal within an ASI similar to the exemption for fire mitigation in the WOZ.

Similar to the WOZ, BPRD is one of the largest, if not the largest, owners of properties containing an ASI designation. For the same reason, BPRD requests that an exemption is added:

3. Exemptions. Activities exempt from this section include:

3. *Exemptions. Activities exempt from this section include:*

d. For forest health and/or wildfire risk mitigation on property owned by Bend Park and Recreation District as determined by the fire code official or qualified professional/individual. Trees may only be removed by Bend Park and Recreation District staff or their agent.

Chapter 3.2, Landscaping, Street Trees, Fences and Walls

3.2.200.C.1, Clear and Objective Track Tree Preservation Standards (page 23)

If there are no priority trees on site, it's not clear that either (b) or (c) must be selected. The district suggests clarifying this.

The flow chart/graphic on the TRUAC website illustrates a prioritized process to preserve trees, i.e., first one must preserve 20% of priority trees. If that's not possible, then option (b) can be selected, and so on. However, the proposed regulations indicate a development can simply select any of the three options.

3.2.200.G.1, Tree Preservation Conditions of Approval, Trees Identified for Preservation (page 28)

If a tree identified for preservation dies within three years, the district suggests that it be replaced at the same ratio as if it were removed with the development of the subject site. If there isn't sufficient space on the subject site, then payment in lieu for any trees that cannot be replaced should be applied. This revision may encourage more care and attention during construction activities.



3.2.400, Street Trees and Planter Strip Landscaping (page 39)

This section applies to land divisions. It has been the practice to allow the deferral of planting street trees until the abutting lot or parcel is developed. The code doesn't explicitly state this, but it makes sense to allow plantings to be installed when irrigation is installed. The district suggests adding this clarification.

3.2.400.C, Planter Strip Landscaping (page 43)

It is not clear if this section requires that all planter strips are landscaped or if, when one chooses to landscape (with the exception of street trees), the landscaping must follow the standards of this section. The district suggests that this is clarified.

The district supports policies that reduce water consumption but believes that the required planting density will be hard to maintain. The prescribed density may also make on-street parking impractical; it may cause the landscaping to be trampled or prohibit car doors from opening.

Chapter 4.2 Minimum Development Standards Review, Site Plan Review and Design Review

4.2.300.7.b, Irrigation Plans (page 46)

The irrigation plan standard is substantial, particularly if the plans will not be reviewed by city staff. As written, the standard could result in a very detailed, time-consuming plan. The district suggests clarifying and simplifying this standard to require a more generalized irrigation plan, limited to the irrigation type per zones. For example, the plan would delineate the location of the zone and the irrigation type used (overhead spray, bubbler, drip, etc.).

Alternatively, the irrigation plan could be limited to the planter strip to ensure the irrigation standards of BDC 3.2.400.C.4 and/or City of Bend Design Standards and Construction Specifications are met.

General Recommendations:

Monitoring and Reporting

The district suggests implementing monitoring and public reporting to measure the impacts of the development code changes and assess their effectiveness.

Enforcement

The existing code already includes a mechanism to allow enforcement for unauthorized tree removal. It is often not enforced. Staff should be supported to allow for effective enforcement and clear roles should be established. The city's code enforcement department should play a collaborative role in enforcement, particularly when a civil penalty is involved.

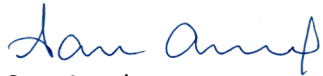
Creation of a Nuisance Tree List

Unfortunately, some trees eventually prove to be a nuisance, leading to their removal. In future iterations of the code, the district suggests creating a nuisance tree list that allows designated nuisance trees to be excluded from tree inventories and prohibited from being planted under approved landscape plans.



The district strongly supports efforts to preserve more trees and enhance our community's sustainability and livability. We urge the Planning Commission to carefully consider the public's input and make necessary adjustments to ensure the proposed amendments effectively meet community expectations. The district also appreciates your review and consideration of these comments. If you have any questions regarding these comments, please don't hesitate to contact me at 541-706-6118, or saraa@bendparksandrec.org.

Sincerely,



Sara Anselment
Bend Park and Recreation District



Kids Inc Lottery - Data Numbers				
Info		2023-24	2024-25	Notes
Total # of applications	1443	1547	Increase by 104 students	
Total # of schools	14	14		
Total # of M-F enrollments	1170	1285	Increased the capacity at each school for upcoming year	
Breakdown: Total # of full-time	945	1005	FT = M-F offering	
Breakdown: Total # of part-time	450	560	PT = M/W or T/TH/F offering	
Total # of available FT & PT combined	1395	1565	Not all schools had enough applications to fill their capacity	
# of Schools with waitlist	12	8	Bear Creek, High Lakes, Highland, Juniper, Miller, North Star, Pine Ridge, Ponderosa	
# of Total students waitlisted	238	88		
# of Schools with openings left	2	6	Buckingham, Elk Meadow, Ensworth, Silver Rail, Jewell, Lava Ridge	
# of Students Offered Spots	1205	1459	4 schools were able to accommodate all household schedule preferences: Buckingham, Elk Meadow, Ensworth, Silver Rail	

BOARD AGENDA COMMUNICATION

AGENDA DATE:	July 2, 2024
SUBJECT:	Public Records Policy
STAFF RESOURCE:	Michelle Healy, executive director Sheila Reed, executive assistant
PREVIOUS BOARD ACTION:	Adopted Public Records Policy, August 9, 2011 Adopted Updated Public Records Policy, June 18, 2019
ACTION PROPOSED:	Adopt Updated Public Records Policy
STRATEGIC PLAN:	
Theme:	Business – Operational Excellence
Objective:	Improve Business Practices
Initiative:	Obtain and maintain accreditation through the Commission for Accreditation of Park and Recreation Agencies

BACKGROUND

The district most recently adopted a public records policy on June 18, 2019. The policy aims to define the processes and procedures for providing accurate records to the public in a reasonable time. In accordance with the district's CAPRA guidelines, staff must review policies every five years. This policy is compliant with state law, and only minor changes have been made.

BUDGETARY IMPACT

None

STAFF RECOMMENDATION

Staff recommends approval of the updated Public Records Policy.

MOTION

I make a motion to adopt the updated Public Records Policy.

ATTACHMENT

Attachment A – Public Records Policy (redlined with changes)

Jodie Barram, Chair

Page 1 of 5

Public Records Policy

Purpose:

The purpose of this policy is to define process and procedures for providing accurate records to the public in a reasonable amount of time given the subject and scope of the request.

Policy:

Bend Park and Recreation District will make available any public record requested by any person pursuant to ORS 192.314, provided that the record request is not exempt from disclosure under the provisions of ORS 192 or other laws.

Exempt Public Records:

Certain records are exempt from public disclosure pursuant to ORS 192.355 and ORS 192.368.

Partial list of exemptions applicable to the district:

- A. Records of public body pertaining to litigation;
- B. Information related to appraisal of real estate prior to acquisition;
- C. Information of a personal nature of public employees, volunteers or customers such as:
Social Security numbers, dates of birth and telephone numbers;
- D. Any public records or information, which is prohibited by federal law of regulations;
- E. Communications with public body or between public bodies of an advisory nature;
- F. Confidential attorney – client communications;
- G. Information submitted in confidence and not otherwise required by law to be submitted.

Access:

The district shall permit inspection and examination of its non-exempt public records during regular business hours in the district's offices at 799 SW Columbia, or other locations as the executive director may reasonably designate. Copies of non-exempt public records maintained in machine readable, or electronic form shall be furnished, if available, in the form requested and according to the procedures described in this policy. Records not available in the form requested shall be made available in the form in which they are maintained. ORS 192.324

Reviewer: Executive Director
Last Review Date: July 2024
Next Review Date: July 2029
Review Schedule: 5 Years

Public records may exist in any format, including in paper form or electronic form, including email [and internal messaging systems](#). Messages on voicemail or on other telephone messages storage and retrieval systems are not public records. Text messages may constitute public records; however, the district is not the custodian of these records. For that reason, employees are directed to not use text messages for official purposes other than routine communications that do not meet the definition of a public record. This policy applies to an employee's official mobile phone and personal mobile phone.

Authorization required for removal of original records:

At no time shall an original record of the district be removed from the district's files or the place at which the record is regularly maintained, except when removal of the record complies with Oregon records retention laws.

Review of Records:

The district will provide a copy of the public record or allow for reasonable opportunity to inspect the public record.

Board Meeting and Records:

Board of Directors' official minutes, written policies and financial records are matters of public information subject to such restrictions as is set by federal law or regulation, by state statute or by pertinent court rulings. The Board's records will be available for inspection at the Park and Recreation District Office, 799 SW Columbia, during business hours, or a copy of such records may be made available upon request.

Record Requests:

In order to facilitate the public's access to district records, and to avoid unnecessary expenditure of staff time, persons requesting access to public records for inspection, copying or disbursement or who submit written requests for copies of public records, shall specify the records requested with particularity, furnishing the dates, subject matter and such other detail as may be necessary to enable district personnel to readily locate any responsive records.

No records will be released for inspection if such disclosure is exempt by state or federal law.

Levels of Requests

Level 1:

Requested documents include records that are current and readily available, require no duplication, and no additional staff time or resources to be available. These types of records are intended for public distribution, such as informational brochures, adopted district plans, agendas, permit applications, job announcements, or election-related petitions. A Level 1 request does not require a written request or payment of a fee, and can be provided by any staff member.

Level 2:

Requested documents are not immediately available, but can be made available within 15 minutes of staff time. Requested records must be located in a single department, may not contain privileged information exempt by State law, and must not require attorney review prior to release. Requests must be submitted in writing, using the district provided form and submitted to the executive director's office. There is no fee for this level of request.

Level 3:

Requested documents are complex and involve multiple staff and/or departments and/or require more than 15 minutes of staff time to compile. It may involve extensive research or compilation of records, and require legal review. Full reimbursement of labor, materials and out of pocket charges will be reimbursed to the district according to the district fee schedule defined in this policy. Requests must be made in writing, using the district provided form and submitted to the executive director's office.

Procedures:

Upon receipt of a request, the district will respond to the requestor within 5 working days. The response shall acknowledge receipt of the request and one of the following:

1. A statement that the district does not possess or is not the custodian of the public record.
2. Copies of all requested public records for which the district does not claim an exemption from disclosure under ORS 192.311 to 192.427 that are Level 1 or Level 2 requests within 10 business days.
3. A statement that the district is the custodian of at least some of the requested public records, an estimate of the time the district requires before the public records may be inspected and/or copies of the records will be provided, and an estimate of the fees that the requester must pay as a condition of receiving the public records, if the request is deemed to be a Level 3 request.
4. A statement that the district is the custodian of at least some of the requested public records, and that the district will provide an estimate, within a 10 business days, of the time and fees needed for disclosure of the public records.
5. A statement that the state or federal law exempts the district from disclosing a requested public record with the reason for the exemption.
6. All requests will be completed within 10 business days after issuing the acknowledgement, unless otherwise stated in the response to the record request.
7. When the district receives a request for many documents or an unclear request, the Public Records Officer will contact the requestor to clarify the request and explain the public records process. For large requests, the district may ask the requestor to prioritize the request for response.

Request Procedures:

The procedure for responding to the request will adhere to the following:

1. Upon receipt of a Level 2 or Level 3 public records request, the executive director will review the request and if appropriate, assign staff to estimate time and resources involved in generating the records.
2. Should the executive director believe that the requested information contain information that could be exempt from disclosure, the request will be forwarded to the district's legal counsel for review and recommendation.
3. The estimate to produce the requested information will be provided to the requestor in written form (mail or email) if more than 10 business days are needed to produce the records.
4. If the requestor agrees to proceed with the request, the requestor will pay the estimated fee and sign the provided form agreeing to the terms of the payment.
5. Upon receipt of the fee the district will generate the requested records. Preferred form of payment is a cashier's check. An un-guaranteed check must be cleared through the bank account before records are generated for the requestor. Should the estimated time and resources to generate the records be different than estimated, either a secondary bill or refund will be made.

Public Records Fee Schedule:

For a Level 3 request, the district will impose charges to reimburse the district for costs associated with producing the records, including, but not limited to, compiling, or producing records, costs of materials such a storage devises, hard copier or and other costs associated with reproducing the material.

1. **Paper copies**
The district will provide up to a total of 30 standard, letter size, two -sided document copies of public records for citizens at no cost. Copies beyond 30 sheets will be charged the amount that is in line with the current state printing and distribution price list.
2. **Postage**
The district will charge postage based on current postal rates.
3. **Electronic copies:**
There is no additional fee for emailed copies.
4. **Other costs:**
Copies of recordings, maps and non-standard documents will be charged actual costs.
5. **Internal Review Monitor:**
Cost of employee(s) time assigned.
6. **Legal Counsel Review:**
Regular billing rate of the legal firm will apply to records request that require legal review. Any legal costs associated with advising the district on interpretation of this policy or the state open records statutes or guidelines will not be charged to the applicant.

Reduced Fee or Waivers:

The district will accept requests for fee waivers or reductions for records requests. Requests must be in writing and addressed to the executive director. The district will consider and grant reasonable requests to waive and/or reduce fees associated with fulfilling a public records request when doing so is in the public interest because providing access primarily benefits the general public, as defined in ORS 192.324. The district will waive the first 15 minutes of staff time needed to fulfill a records request.

The district may deny eligibility for the 15 minute waiver if abuse by the requester is determined to exist either by:

1. Fragmenting a request that if taken in the aggregate would amount to significantly more than 15 minutes; or
2. Submitting multiple small requests in a short time-frame causing an undue burden on the agency.

References

ORS Chapter 192

Oregon Dept. of Justice, Oregon Attorney General's Model Contract Rules Manual

BOARD AGENDA COMMUNICATION

AGENDA DATE: July 2, 2024

SUBJECT: Election of Chair and Vice Chair

STAFF RESOURCE: Michelle Healy, executive director

PREVIOUS BOARD ACTION: None

ACTION PROPOSED: Conduct election of board officers

BACKGROUND

The board of directors annually elects a chair and vice chair at the first meeting in July of the new fiscal year, the chair and vice chair each serve a one-year term. Duties and responsibilities of the chair include presiding at board meetings, appointing committees and signing ordinances, resolutions, proclamations, correspondence, the executive director's employment contract, etc., on behalf of the board of directors. The chair may also represent the board of directors in meetings with other agency officials, and at public functions requiring a presence of the district. In the event the chair is absent from a meeting or unavailable for any of the duties mentioned above, the vice chair will substitute for the chair.

MOTION

I nominate _____ to serve as chair of the Bend Park & Recreation District Board of Directors for Fiscal Year 2024-2025.

I nominate _____ to serve as vice chair of the Bend Park & Recreation District Board of Directors for Fiscal Year 2024-2025.

BOARD AGENDA COMMUNICATION

AGENDA DATE: July 2, 2024

SUBJECT: Appoint Executive Secretary of the Board of Directors

STAFF RESOURCE: Michelle Healy, executive director

PREVIOUS BOARD ACTION: None

ACTION PROPOSED: Appoint Michelle Healy, executive director, as executive secretary of the board of directors

BACKGROUND

The board of directors is required to appoint an executive secretary according to Oregon State Statute 266.370. As a matter of formality, the board annually appoints the executive director to serve in this capacity. The executive secretary represents the board in business matters and signs ordinances, resolutions, proclamations, correspondence, contracts, deeds, etc., on behalf of the board of directors and the district.

STAFF RECOMMENDATION

Appoint Michelle Healy, executive director, to serve as the executive secretary of the board.

MOTION

I move to appoint Michelle Healy, executive director, to serve as executive secretary of the Bend Park and Recreation District Board of Directors for fiscal year 2024-25.

BOARD AGENDA COMMUNICATION

AGENDA DATE: July 2, 2024

SUBJECT: Appoint Budget Officer of the Board of Directors

STAFF RESOURCE: Michelle Healy, executive director

PREVIOUS BOARD ACTION: None

ACTION PROPOSED: Appoint Kristin Toney, director of administrative services, as budget officer of the board of directors

BACKGROUND

The board of directors is required to appoint a budget officer according to Oregon State Statute 294.331. As a matter of formality, the board should appoint the director of administrative services to serve in this capacity. The budget officer is responsible for managing financial resources, including creating and managing budgets, analyzing financial data, and preparing financial reports on the behalf of the board of directors and the district.

STAFF RECOMMENDATION

Appoint Kristin Toney, director of administrative services, to serve as the budget officer of the board.

MOTION

I move to appoint Kristin Toney executive director of administrative services, to serve as budget officer of the Bend Park and Recreation District Board of Directors for fiscal year 2024-25.

BOARD AGENDA COMMUNICATION

AGENDA DATE:	July 2, 2024
SUBJECT:	Appoint Legislative Liaison
STAFF RESOURCE:	Michelle Healy, executive director
PREVIOUS BOARD ACTION:	None
ACTION PROPOSED:	Appoint legislative liaison to represent the board of directors

BACKGROUND

The board of directors recognizes the needs of the district to take an active role in the legislative process as it relates to legislation affecting the district and recreation in general. To aid the board in this effort, the board shall appoint one of its members as legislative liaison. The legislative liaison will be elected annually at the first meeting in July of the new fiscal year.

The duties of the legislative liaison are to:

- Work with the executive director to keep abreast of legislation that may affect the district
- Keep the other members of the board up to date on legislative issues and district involvement
- Discuss course of action and level of involvement on legislative issues with the board
- Represent the board during the legislative session; provide testimony, compose written testimony and other correspondence

MOTION

I move to appoint _____, to serve as legislative liaison for the Bend Park and Recreation Board of Directors for fiscal year 2024-25.

BOARD AGENDA COMMUNICATION

AGENDA DATE: July 2, 2024

SUBJECT: Board of Directors Meeting Dates and Times

STAFF RESOURCE: Michelle Healy, executive director

PREVIOUS BOARD ACTION: None

ACTION PROPOSED: Set board meeting dates and times for 2024-25

BACKGROUND

The board formally determines the meeting dates and times for the year at the first meeting in July. Meetings are typically held the first and third Tuesday of each month with a work session beginning at 5:30 p.m., unless otherwise noticed, and a business session following the work session.

MOTION

I move to conduct the Bend Park and Recreation District Board of Directors public meetings on the first and third Tuesdays beginning a 5:30 pm with a work session at 5:30 p.m., unless otherwise noticed, and a business session following the work session.

BOARD AGENDA COMMUNICATION

AGENDA DATE:	July 2, 2024
SUBJECT:	North Unit Canal Trail – Phase 1 Property Acquisition
STAFF RESOURCE:	Henry Stroud, Principal Planner Michelle Healy, Executive Director
PREVIOUS BOARD ACTION:	Previously discussed in Executive Session
ACTION PROPOSED:	Adopt resolution number 2024-08 and authorize the Executive Director to take steps necessary to implement the resolution.
STRATEGIC PLAN:	
Theme:	Community Connection
Objective:	Analyze and Adapt to Changing Community Need
Initiative:	Acquire land, and plan and develop trails, river access, parks, natural areas and recreation facilities to meet identified community demand and future need.

BACKGROUND

The district is seeking to acquire several permanent trail easements and temporary construction easements located on four properties to allow for construction and operation of Phase 1 of the North Unit Canal Trail. The North Unit Canal Trail is a planned trail identified in the district's current comprehensive plan and is ranked as a "high priority project." It is also identified in the City of Bend's Transportation System Plan as a "key route" which are intended to provide safe, low stress connections for non-motorized travel to schools, parks, and other destinations, as well as for cross-City travel.

The planned trail is located along North Unit Irrigation District's canal between Canal Row Park and Deschutes Market Road. The trail will use the existing canal maintenance road which has been informally used as a trail by the public for decades. The district installed trail counters along the planned route in 2021 and has recorded more than 100 daily users between 2021 and 2024 with some months reaching almost 150 average daily users. Additionally, there are several new residential developments along the planned trail corridor and the district expects the demand for use of the trail to increase.

The district entered into an agreement for professional design and engineering services with Flagline Engineering on May 16, 2022. The easement boundaries were determined during the design process and were designed to minimize property impacts while supporting construction and safe operation of the trail.

The proposed easements are located on four properties. These properties are remnants of larger properties that were previously subdivided and sold for development. They do not contain any structures, residences, or other infrastructure apart from the canal and its associated infrastructure, nor are they owned by any of the adjacent landowners.

The properties are referred to as:

1. The Miles Fox Tract
2. The Thompson Tract
3. The Caldwell Tract
4. The Pine Nursery Tract

The district entered into an agreement with Epic Land Solutions to provide property research and acquisition services on January 10, 2023. According to their research, each of the four properties did not go through probate and are not vested in a single owner. Rather, there are multiple possible interest holders for each property, including:

- fifteen possible interest holders for the Miles Fox Tract
- three possible interest holders for the Thompson Tract
- five possible interest holders for the Caldwell Tract and Pine Nursery Tract.

To secure the needed easements, the district will have to reach agreement with all of the possible interest holders. For this reason, staff is recommending that the board adopt the attached resolution which would allow the district to acquire the needed trail easements through condemnation if mutual agreement cannot be reached.

Property acquisition is a critical path item and must be completed before the district can proceed further with permitting and construction of the project.

BUDGETARY IMPACT

The 2025-2029 Capital Improvement plan includes \$220,708 of system development charge (SDC) and \$79,292 reimbursement SDC funding in fiscal year 2024-2025 for the North Unit Canal Trail project. The anticipated costs to acquire the easements including contracted land negotiation services is about \$50,000, leaving the remaining funds for permitting, construction, legal and other miscellaneous costs.

STAFF RECOMMENDATION

Staff recommends authorizing Resolution No. 2024-08.

MOTION

I move to adopt resolution number 2024-08 and authorize the Executive Director to take steps necessary to implement the resolution.

ATTACHMENT

Attachment A – Proposed Resolution

BEND PARK AND RECREATION DISTRICT RESOLUTION NO. 2024-08

A RESOLUTION DECLARING A PUBLIC NECESSITY AND AUTHORIZING THE ACQUISITION OF TRAIL EASEMENTS BY PURCHASE, AGREEMENT, DONATION OR BY THE USE OF EMINENT DOMAIN FOR PHASE 1 OF THE NORTH UNIT CANAL TRAIL PROJECT

WHEREAS, the Bend Park and Recreation District (“District”) is a parks and recreation special service district organized in accordance with the provisions of ORS 266.010 et. seq. to provide park and recreation facilities and services for the residents of Bend Park and Recreation District.

WHEREAS, the District has the authority to acquire property when deemed necessary by the District’s Board of Directors to accomplish public purposes including through the use of eminent domain under Oregon law, including but not limited to ORS chapter 266 and ORS chapter 35.

WHEREAS, the District has a Comprehensive Plan, adopted by resolution #415 on July 17, 2018 by the District’s Board of Directors, that identifies the North Unit Canal Trail as a planned trail and as a “high priority” project.

WHEREAS, the City of Bend has a Transportation System Plan adopted by Ordinance No. NS-2381 September 2, 2020, by the Bend City Council that identifies Phase 1 of the North Unit Canal Trail as a “key route” for bicycle and pedestrian use.

WHEREAS, the District entered into an agreement for professional design and engineering services with Flagline Engineering for Phase 1 of the North Unit Canal Trail (“Project”) on May 16, 2022. The Project includes the development of a public trail between Canal Row Park and Deschutes Market Road and necessitates the acquisition of several permanent and temporary construction easements to complete the Project. The Project has been planned in accordance with appropriate engineering standards for the construction of trail infrastructure, to minimize property impacts and promote safe recreation.

NOW, THEREFORE, the Board of Directors hereby resolves as follows:

1. The Project is an important public use that is necessary for the health, recreation, safety, and general benefit and welfare of the inhabitants of the District and the general public. 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 least private injury;
2. It is necessary and in the public interest for the District to acquire the property interests described and shown in the attached exhibits A, B, C & D (collectively, the “Property Interests”) for the location, construction, implementation, and maintenance of the Project;
3. The executive director is authorized to direct district staff, agents, and attorneys to attempt to negotiate and reach agreement with the owners and other persons in interest (if any) of the Property Interests as to the just compensation and any applicable compensable damages to be paid for each acquisition, in accordance with applicable law. In the event that no satisfactory agreement can be reached, District

staff, agents, and attorneys are authorized to commence and litigate condemnation proceedings and to take other steps as they determine are necessary to acquire the Property Interests. The District Executive Director and the District's attorneys may make stipulations, admissions, or agreements as they determine may be in the best interest of the District, and to take possession of the Property Interests at such time as appropriate in their judgment, without necessity of further Board of Directors approval. This authorization is not intended to expand the jurisdiction of any court to decide matters determined above or determinable by the Board of Directors;

4. The District 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; and
5. This resolution takes effect immediately upon adoption.

ADOPTED by the Board of Directors of the district on this 2nd day of July 2024.

Board Chair,

Attest:

Michelle Healy, Executive Director

ATTACHMENT A
Bend Park and Recreation District
North Unit Canal Trail – Phase 1

PARCEL 1 – MILES FOX TRACT

PERMANENT TRAIL EASEMENT &
TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT "A"

MILES FOX TRACT - MAIN TRAIL

DESCRIPTION PER TRAIL EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

A TRAIL EASEMENT, LOCATED IN THE NE1/4 SW1/4 OF SECTION 22, T17S, R12E, W.M., BEING A 20.00 FOOT WIDE STRIP OF LAND, 10.00 FEET IN WIDTH ON EACH SIDE WHEN MEASURED AT RIGHT ANGLES TO THE CENTERLINE, AND A TEMPORARY CONSTRUCTION EASEMENT, BEING 5.00 FOOT WIDE STRIPS OF LAND ADJOINING, AND EXTENDING 5.00 FEET AWAY FROM, THE SIDELINES OF SAID TRAIL EASEMENT, WHEN MEASURED AT RIGHT ANGLES TO SAID CENTERLINE, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW 1/16 CORNER OF SAID SECTION 22, THENCE N00°08'45"W, 121.78 FEET TO THE SW CORNER OF LOT 7, BILYEU HEIGHTS EAST, RECORDED IN PLAT CABINET G, PAGE 622, DESCHUTES COUNTY PLAT RECORDS; THENCE N89°45'05"E ALONG THE EASTERLY PROJECTION OF THE SOUTH LINE OF SAID LOT 7, 92.78 FEET TO THE CENTERLINE OF SAID TRAIL EASEMENT AND THE POINT OF BEGINNING; THENCE N26°50'46"E, 116.41 FEET; THENCE 134.87 FEET ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE TO THE LEFT, THE LONG CHORD OF WHICH BEARS N13°57'59"E, 133.74 FEET; THENCE N01°05'13"E, 132.98 FEET; THENCE 316.17 FEET ALONG THE ARC OF A 270.00 FOOT RADIUS CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS N34°38'03"E, 298.42 FEET; THENCE N68°10'53"E, 44.66 FEET; THENCE 54.08 FEET ALONG THE ARC OF A 200.00 FOOT RADIUS CURVE TO THE LEFT, THE LONG CHORD OF WHICH BEARS N60°26'05"E, 53.92 FEET; THENCE N52°17'23"E, 170.40 FEET; THENCE 18.85 FEET ALONG THE ARC OF A 187.90 FOOT RADIUS CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS N55°09'49"E, 18.84 FEET; THENCE N58°02'16"E, 110.15 FEET; THENCE 158.25 FEET ALONG THE ARC OF A 400.00 FOOT RADIUS CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS N69°22'16"E, 157.22 FEET; THENCE N80°42'17"E, 57.02 FEET; THENCE 104.18 FEET ALONG THE ARC OF A 200.00 FOOT RADIUS CURVE TO THE LEFT, THE LONG CHORD OF WHICH BEARS N65°46'55"E, 103.01 FEET; THENCE N42°30'04"E, 126.52 FEET; THENCE 22.37 FEET ALONG THE ARC OF A 187.90 FOOT RADIUS CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS N45°54'40"E, 22.35 FEET; THENCE N49°19'16"E, 100.35 FEET; THENCE 38.12 FEET ALONG THE ARC OF A 187.90 FOOT RADIUS CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS N55°07'59"E, 38.05 FEET; THENCE N60°56'41"E, 30.42 FEET; THENCE 19.04 FEET ALONG THE ARC OF A 187.90 FOOT RADIUS CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS N63°50'53"E, 19.04 FEET; THENCE N66°45'05"E, 23.16 FEET; THENCE 30.55 FEET ALONG THE ARC OF A 85.57 FOOT RADIUS CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS N76°58'46"E, 30.39 FEET; THENCE N87°12'27"E, 8.95 FEET TO THE WEST RIGHT-OF-WAY LINE OF NE PURCELL BOULEVARD AND THE POINT OF TERMINUS OF THIS DESCRIPTION.

THE ENDS OF THE SIDELINES OF THIS EASEMENT SHALL BE EXTENDED OR SHORTENED TO TERMINATE AT THE ADJACENT BOUNDARY LINES.

BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE CENTRAL OREGON COORDINATE SYSTEM.

A SKETCH OF THE EASEMENT DESCRIBED ABOVE IS DEPICTED ON THE ATTACHED MAP ENTITLED EXHIBIT "B", WHICH IS HEREBY INCORPORATED BY REFERENCE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
MARCH 09, 2021
MATTHEW G. BANTON
96574

RENEWS: 12/31/25

PREPARED FEBRUARY 5, 2024



POVEY AND
ASSOCIATES

P.O. BOX 131, REDMOND, OR 97756
(541) 548-6778

22-073E.DWG

EXHIBIT "B"

MILES FOX TRACT - MAIN TRAIL

LOCATED IN THE NE1/4 SW1/4 OF SECTION 22, T17S, R12E, W.M.,
CITY OF BEND, DESCHUTES COUNTY, OREGON

CURVE TABLE

NO.	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	134.87'	300.00'	25°45'32"	N13°57'59"E	133.74'
C2	316.17'	270.00'	67°05'39"	N34°38'03"E	298.42'
C3	54.08'	200.00'	15°29'36"	N60°26'05"E	53.92'
C4	18.85'	187.90'	05°44'52"	N55°09'49"E	18.84'
C5	158.25'	400.00'	22°40'02"	N69°22'16"E	157.22'
C6	104.18'	200.00'	29°50'45"	N65°46'55"E	103.01'
C7	22.37'	187.90'	06°49'12"	N45°54'40"E	22.35'
C8	38.12'	187.90'	11°37'25"	N55°07'59"E	38.05'
C9	19.04'	187.90'	05°48'24"	N63°50'53"E	19.04'
C10	30.55'	85.57'	20°27'22"	N76°58'46"E	30.39'

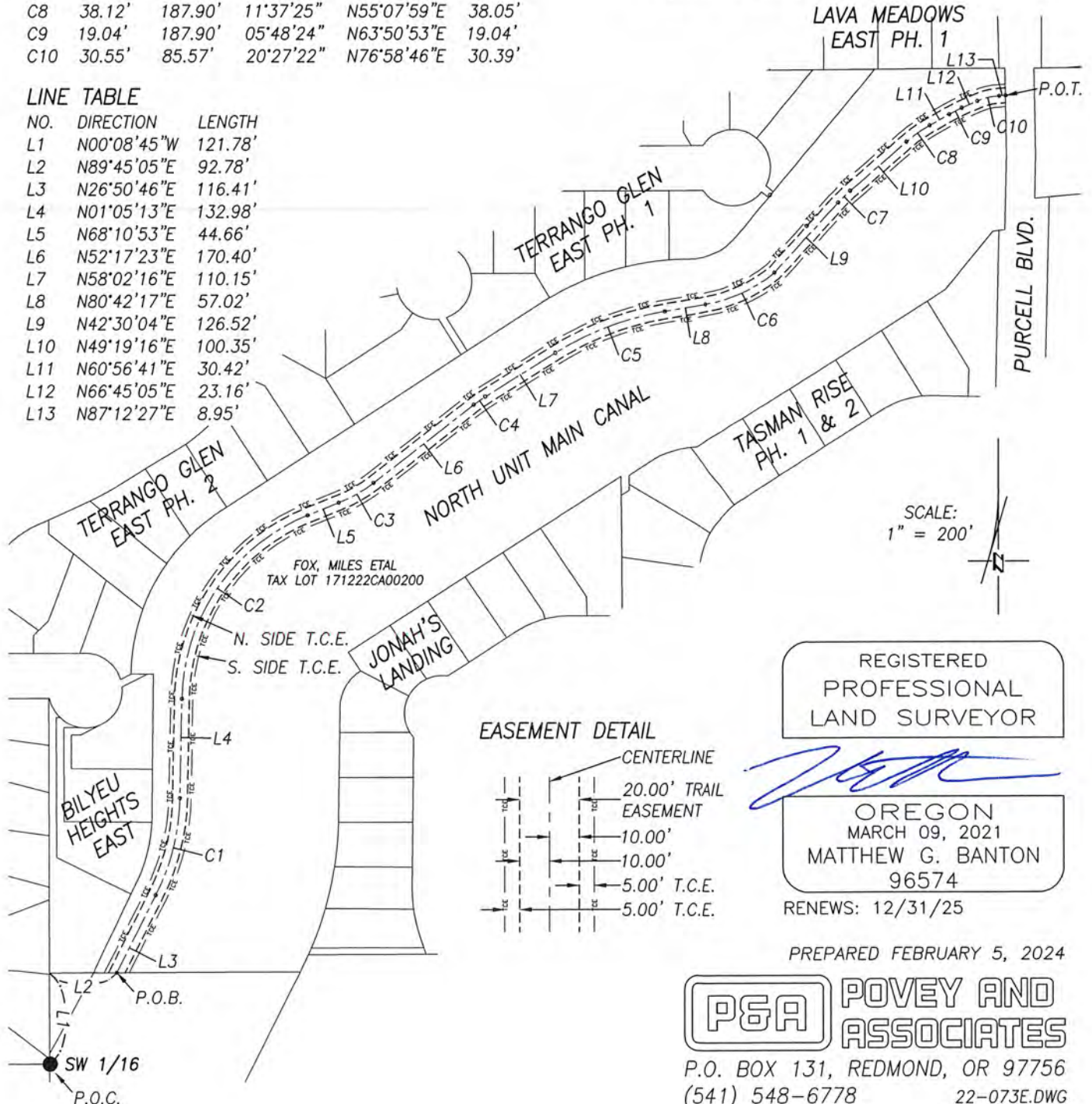
LINE TABLE

NO.	DIRECTION	LENGTH
L1	N00°08'45"W	121.78'
L2	N89°45'05"E	92.78'
L3	N26°50'46"E	116.41'
L4	N01°05'13"E	132.98'
L5	N68°10'53"E	44.66'
L6	N52°17'23"E	170.40'
L7	N58°02'16"E	110.15'
L8	N80°42'17"E	57.02'
L9	N42°30'04"E	126.52'
L10	N49°19'16"E	100.35'
L11	N60°56'41"E	30.42'
L12	N66°45'05"E	23.16'
L13	N87°12'27"E	8.95'

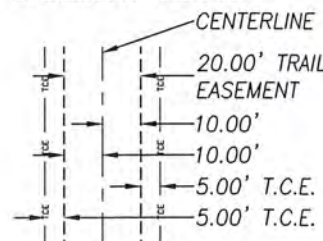
AREA SUMMARY

TRAIL EASEMENT	0.834 ACRES ±
T.C.E.	0.211 ACRES ± (N. SIDE)
	0.206 ACRES ± (S. SIDE)
	0.417 ACRES ± (TCE TOTAL)

T.C.E. - TEMPORARY CONSTRUCTION EASEMENT
P.O.C. - POINT OF COMMENCEMENT
P.O.B. - POINT OF BEGINNING
P.O.T. - POINT OF TERMINUS



EASEMENT DETAIL



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Matthew G. Banton

OREGON
MARCH 09, 2021
MATTHEW G. BANTON
96574

RENEWS: 12/31/25

PREPARED FEBRUARY 5, 2024

P&A POVEY AND ASSOCIATES

P.O. BOX 131, REDMOND, OR 97756
(541) 548-6778 22-073E.DWG

EXHIBIT "A"

MILES FOX TRACT - TRAIL "A"

DESCRIPTION PER TRAIL EASEMENT

A TRAIL EASEMENT, LOCATED IN THE NE1/4 SW1/4 OF SECTION 22, T17S, R12E, W.M., AND BEING A 10.00 FOOT WIDE STRIP OF LAND, 5.00 FEET IN WIDTH ON EACH SIDE WHEN MEASURED AT RIGHT ANGLES TO THE CENTERLINE, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF A 20.00 FOOT WIDE TRAIL EASEMENT, FROM WHICH THE SW 1/16 CORNER OF SAID SECTION 22 BEARS S17°54'19"W, 578.87 FEET; THENCE S63°04'35"W ALONG SAID CENTERLINE, 63.38 FEET TO THE NORTH BOUNDARY LINE OF TRACT "A", BILYEU HEIGHTS EAST, RECORDED IN PLAT CABINET G, PAGE 622, DESCHUTES COUNTY PLAT RECORDS, AND THE POINT OF TERMINUS OF THIS DESCRIPTION.

THE ENDS OF THE SIDELINES OF THIS EASEMENT SHALL BE EXTENDED OR SHORTENED TO TERMINATE AT THE ADJACENT EASEMENT AND BOUNDARY LINES.

BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE CENTRAL OREGON COORDINATE SYSTEM.

A SKETCH OF THE EASEMENT DESCRIBED ABOVE IS DEPICTED ON THE ATTACHED MAP ENTITLED EXHIBIT "B", WHICH IS HEREBY INCORPORATED BY REFERENCE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MARCH 09, 2021
MATTHEW G. BANTON
96574

RENEWES: 12/31/25

PREPARED FEBRUARY 5, 2024



POVEY AND
ASSOCIATES

P.O. BOX 131, REDMOND, OR 97756
(541) 548-6778

22-073E.DWG

EXHIBIT "B"

MILES FOX TRACT - TRAIL "A"

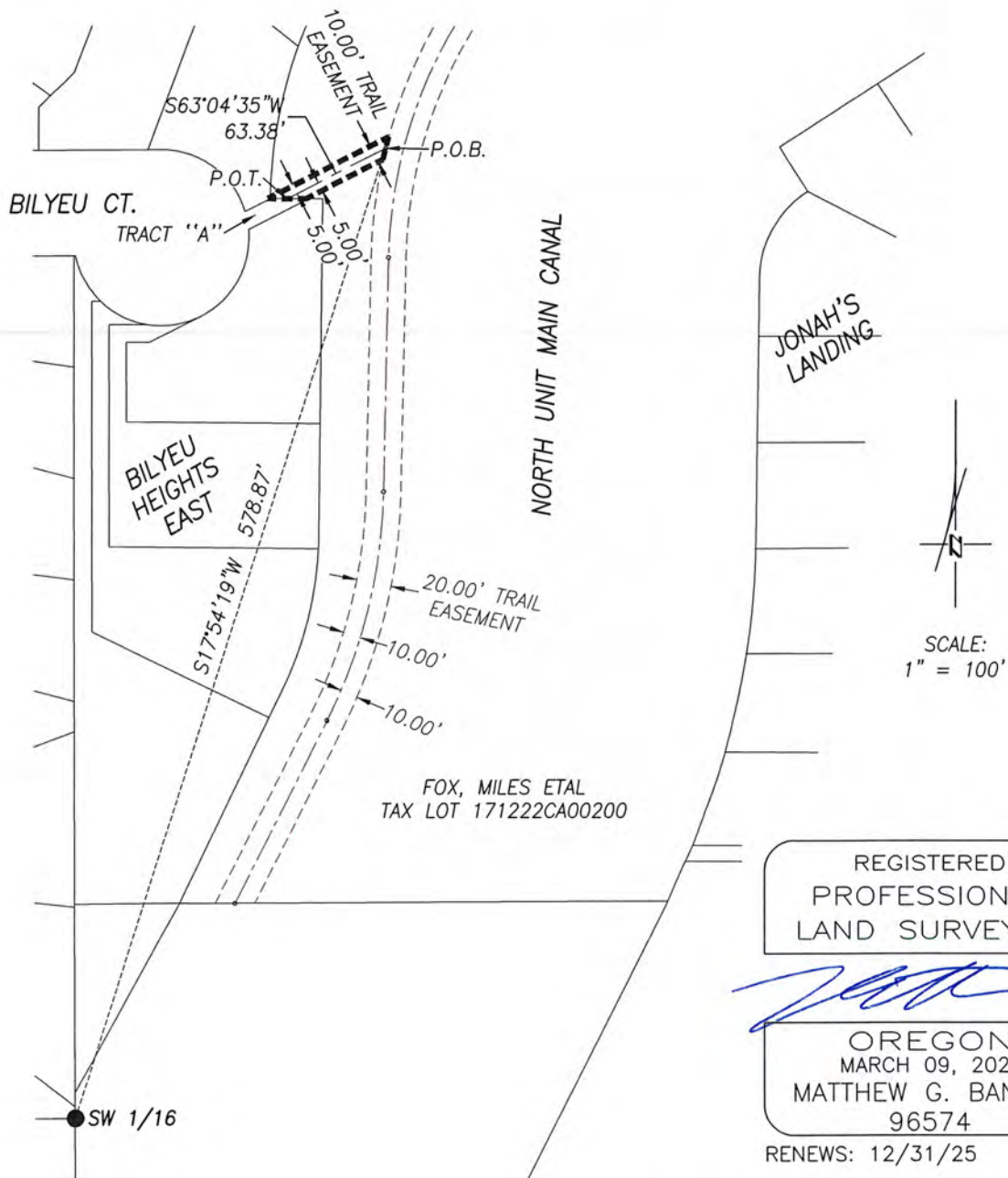
LOCATED IN THE NE1/4 SW1/4 OF SECTION 22, T17S, R12E, W.M.,
CITY OF BEND, DESCHUTES COUNTY, OREGON

AREA SUMMARY

TRAIL EASEMENT "A" 0.015 ACRES ±

P.O.B. - POINT OF BEGINNING

P.O.T. - POINT OF TERMINUS



PREPARED FEBRUARY 5, 2024



P.O. BOX 131, REDMOND, OR 97756
(541) 548-6778 22-073E.DWG

EXHIBIT "A"

MILES FOX TRACT - TRAIL "B"

DESCRIPTION PER
TRAIL EASEMENT & TEMPORARY CONSTRUCTION EASEMENT

A TRAIL EASEMENT, LOCATED IN THE NE1/4 SW1/4 OF SECTION 22, T17S, R12E, W.M., BEING A 20.00 FOOT WIDE STRIP OF LAND, 10.00 FEET IN WIDTH ON EACH SIDE WHEN MEASURED AT RIGHT ANGLES TO THE CENTERLINE, AND A TEMPORARY CONSTRUCTION EASEMENT, BEING 5.00 FOOT WIDE STRIPS OF LAND ADJOINING, AND EXTENDING 5.00 FEET AWAY FROM, THE SIDELINES OF SAID TRAIL EASEMENT, WHEN MEASURED AT RIGHT ANGLES TO SAID CENTERLINE, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF A 20.00 FOOT WIDE TRAIL EASEMENT, FROM WHICH THE SW 1/16 CORNER OF SAID SECTION 22 BEARS S33°00'58"W, 1077.89 FEET; THENCE N31°57'44"W ALONG SAID CENTERLINE, 55.62 FEET TO THE SOUTHEASTERLY BOUNDARY LINE OF TRACT "X", TERRANGO GLEN EAST, PHASE 1, RECORDED IN PLAT CABINET G, PAGE 153, DESCHUTES COUNTY PLAT RECORDS, AND THE POINT OF TERMINUS OF THIS DESCRIPTION.

THE ENDS OF THE SIDELINES OF THIS EASEMENT SHALL BE EXTENDED OR SHORTENED TO TERMINATE AT THE ADJACENT EASEMENT AND BOUNDARY LINES.

BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE CENTRAL OREGON COORDINATE SYSTEM.

A SKETCH OF THE EASEMENT DESCRIBED ABOVE IS DEPICTED ON THE ATTACHED MAP ENTITLED EXHIBIT "B", WHICH IS HEREBY INCORPORATED BY REFERENCE.

REGISTERED
PROFESSIONAL
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OREGON
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MATTHEW G. BANTON
96574

RENEWS: 12/31/25

PREPARED FEBRUARY 5, 2024



POVEY AND
ASSOCIATES

P.O. BOX 131, REDMOND, OR 97756
(541) 548-6778 22-073E.DWG

EXHIBIT "B"

MILES FOX TRACT - TRAIL "B"

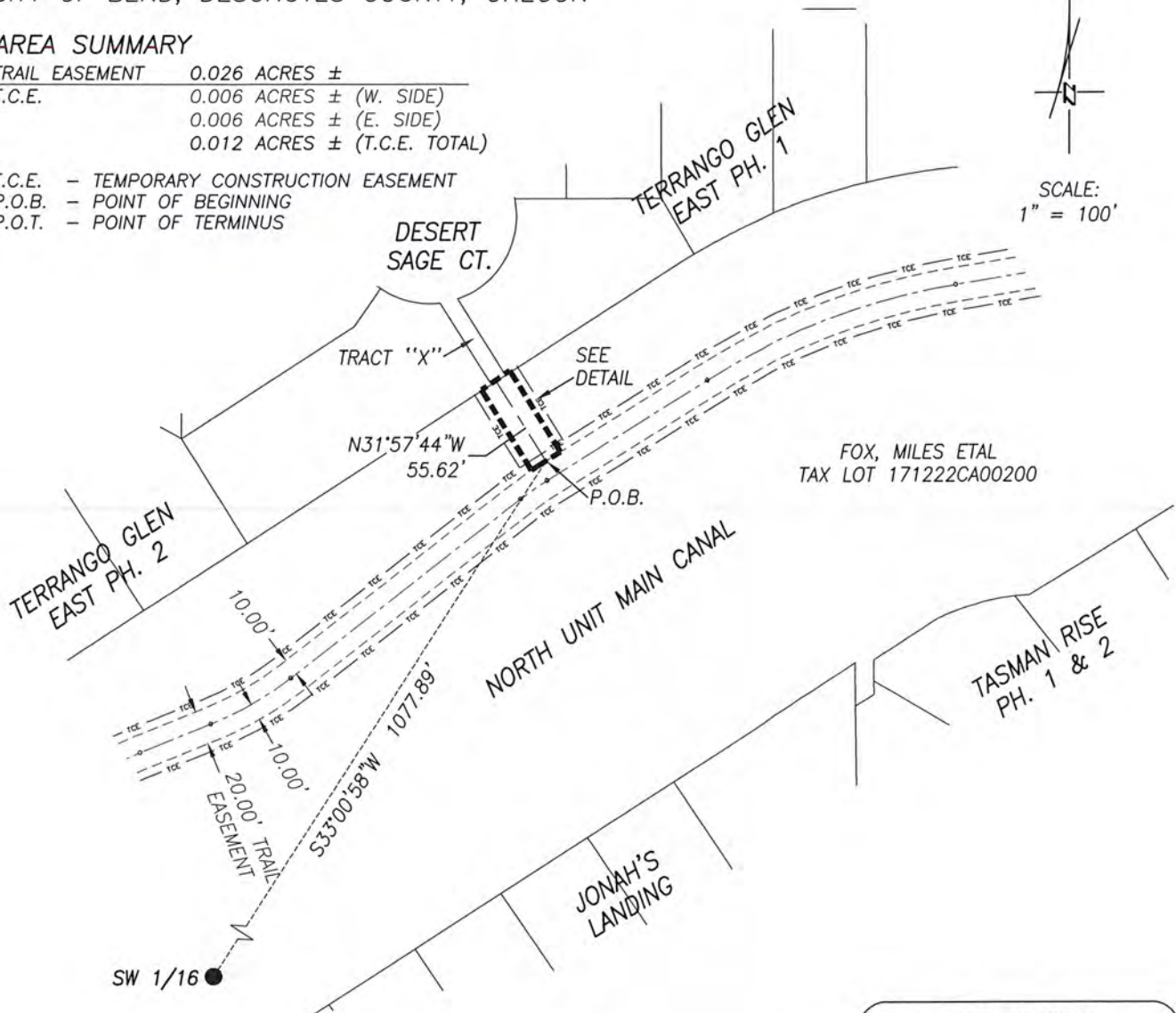
LOCATED IN THE NE1/4 SW1/4 OF SECTION 22, T17S, R12E, W.M.,
CITY OF BEND, DESCHUTES COUNTY, OREGON

AREA SUMMARY

TRAIL EASEMENT	0.026 ACRES ±
T.C.E.	0.006 ACRES ± (W. SIDE)
	0.006 ACRES ± (E. SIDE)
	0.012 ACRES ± (T.C.E. TOTAL)

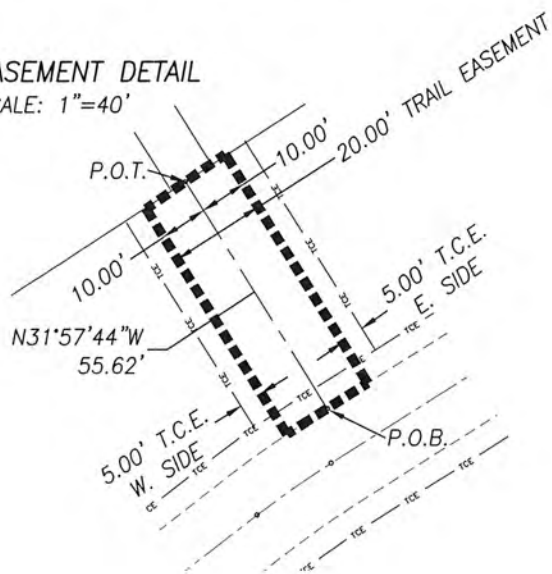
T.C.E. - TEMPORARY CONSTRUCTION EASEMENT
P.O.B. - POINT OF BEGINNING
P.O.T. - POINT OF TERMINUS

SCALE:
1" = 100'



EASEMENT DETAIL

SCALE: 1"=40'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MARCH 09, 2021
MATTHEW G. BANTON
96574

RENEWS: 12/31/25

PREPARED FEBRUARY 5, 2024

P&A POVEY AND ASSOCIATES

P.O. BOX 131, REDMOND, OR 97756
(541) 548-6778 22-073E.DWG

EXHIBIT "A"

DESCRIPTION PER
TRAIL EASEMENT & TEMPORARY CONSTRUCTION EASEMENT

A TRAIL EASEMENT, LOCATED IN THE NE1/4 SW1/4 OF SECTION 22, T17S, R12E, W.M., BEING A 20.00 FOOT WIDE STRIP OF LAND, 10.00 FEET IN WIDTH ON EACH SIDE WHEN MEASURED AT RIGHT ANGLES TO THE CENTERLINE, AND A TEMPORARY CONSTRUCTION EASEMENT, BEING 5.00 FOOT WIDE STRIPS OF LAND ADJOINING, AND EXTENDING 5.00 FEET AWAY FROM, THE SIDELINES OF SAID TRAIL EASEMENT, WHEN MEASURED AT RIGHT ANGLES TO SAID CENTERLINE, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF A 20.00 FOOT WIDE TRAIL EASEMENT, FROM WHICH THE SW 1/16 CORNER OF SECTION 22 BEARS S42°23'32"W, 1516.34 FEET; THENCE N50°12'05"W ALONG SAID CENTERLINE, 62.03 FEET TO THE SOUTHEASTERLY BOUNDARY LINE OF TRACT "Y", TERRANGO GLEN EAST, PHASE 1, RECORDED IN PLAT CABINET G, PAGE 153, DESCHUTES COUNTY PLAT RECORDS, AND THE POINT OF TERMINUS OF THIS DESCRIPTION.

THE ENDS OF THE SIDELINES OF THIS EASEMENT SHALL BE EXTENDED OR SHORTENED TO TERMINATE AT THE ADJACENT EASEMENT AND BOUNDARY LINES.

BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE CENTRAL OREGON COORDINATE SYSTEM.

A SKETCH OF THE EASEMENT DESCRIBED ABOVE IS DEPICTED ON THE ATTACHED MAP ENTITLED EXHIBIT "B", WHICH IS HEREBY INCORPORATED BY REFERENCE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MARCH 09, 2021
MATTHEW G. BANTON
96574

RENEWS: 12/31/25

PREPARED FEBRUARY 5, 2024



POVEY AND
ASSOCIATES

P.O. BOX 131, REDMOND, OR 97756
(541) 548-6778 22-073E.DWG

EXHIBIT "B"

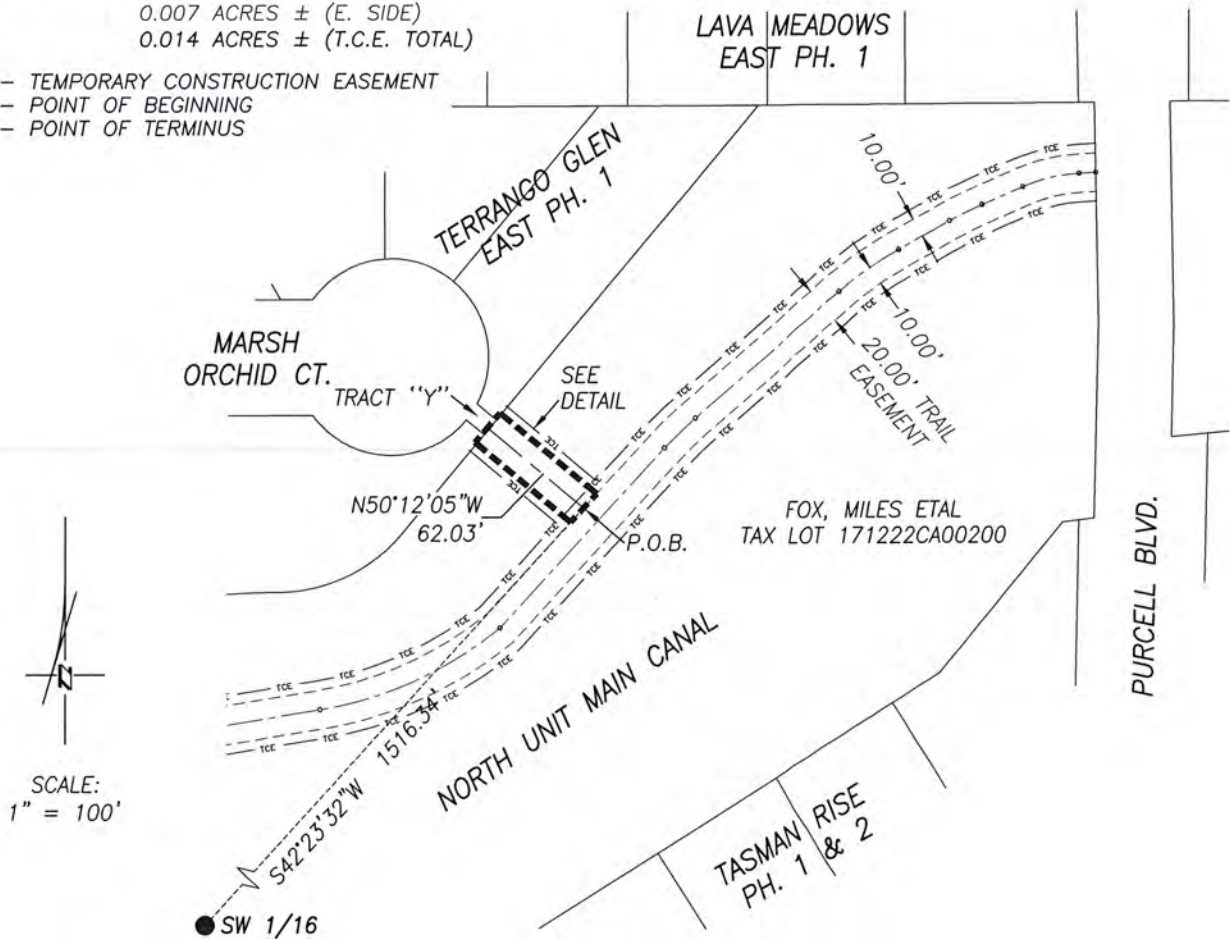
MILES FOX TRACT - TRAIL "C"

LOCATED IN THE NE1/4 SW1/4 OF SECTION 22, T17S, R12E, W.M.,
CITY OF BEND, DESCHUTES COUNTY, OREGON

AREA SUMMARY

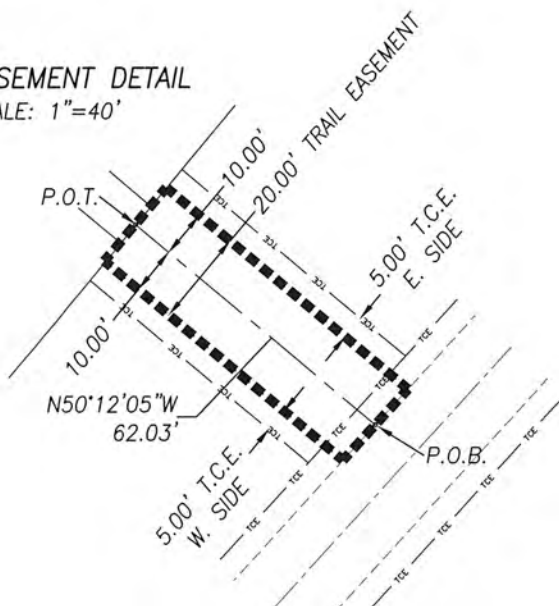
TRAIL EASEMENT	0.030 ACRES ±
T.C.E.	0.007 ACRES ± (W. SIDE)
	0.007 ACRES ± (E. SIDE)
	0.014 ACRES ± (T.C.E. TOTAL)

T.C.E. - TEMPORARY CONSTRUCTION EASEMENT
P.O.B. - POINT OF BEGINNING
P.O.T. - POINT OF TERMINUS



EASEMENT DETAIL

SCALE: 1"=40'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]

OREGON
MARCH 09, 2021
MATTHEW G. BANTON
96574

RENEWS: 12/31/25

PREPARED FEBRUARY 5, 2024

P&A POVEY AND ASSOCIATES

P.O. BOX 131, REDMOND, OR 97756
(541) 548-6778 22-073E.DWG

ATTACHMENT B
Bend Park and Recreation District
North Unit Canal Trail – Phase 1

PARCEL 2 – THOMPSON TRACT

PERMANENT TRAIL EASEMENT &
TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT "A"

DESCRIPTION PER
TRAIL EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

A TRAIL EASEMENT, LOCATED IN THE NW1/4 SE1/4 OF SECTION 22, T17S, R12E, W.M., BEING A 20.00 FOOT WIDE STRIP OF LAND, 10.00 FEET IN WIDTH ON EACH SIDE WHEN MEASURED AT RIGHT ANGLES TO THE CENTERLINE, AND A TEMPORARY CONSTRUCTION EASEMENT, BEING 5.00 FOOT WIDE STRIPS OF LAND ADJOINING, AND EXTENDING 5.00 FEET AWAY FROM, THE SIDELINES OF SAID TRAIL EASEMENT, WHEN MEASURED AT RIGHT ANGLES TO SAID CENTERLINE, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 22, THENCE S89°45'11"W ALONG THE NORTH LINE OF THE SE1/4 OF SAID SECTION 22, 2599.26 FEET TO THE EAST RIGHT-OF-WAY LINE OF PURCELL BOULEVARD; THENCE S01°13'46"E ALONG SAID LINE, 34.05 FEET TO THE CENTERLINE OF SAID TRAIL EASEMENT AND THE POINT OF BEGINNING; THENCE N87°12'27"E, 12.03 FEET; THENCE 3.27 FEET ALONG THE ARC OF A 85.57 FOOT RADIUS CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS N88°18'12"E, 3.27 FEET; THENCE N89°23'58"E, 83.91 FEET; THENCE 7.62 FEET ALONG THE ARC OF A 85.57 FOOT RADIUS CURVE TO THE LEFT, THE LONG CHORD OF WHICH BEARS N86°50'51"E, 7.62 FEET; THENCE N84°17'45"E, 148.98 FEET; THENCE 1.86 FEET ALONG THE ARC OF A 85.57 FOOT RADIUS CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS N84°55'07"E, 1.86 FEET; THENCE N85°32'29"E, 247.75 FEET TO SAID NORTH LINE OF THE SE1/4 AND THE POINT OF TERMINUS OF THIS DESCRIPTION.

THE ENDS OF THE SIDELINES OF THIS EASEMENT SHALL BE EXTENDED OR SHORTENED TO TERMINATE AT THE ADJACENT BOUNDARY LINES.

BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE CENTRAL OREGON COORDINATE SYSTEM.

A SKETCH OF THE EASEMENT DESCRIBED ABOVE IS DEPICTED ON THE ATTACHED MAP ENTITLED EXHIBIT "B", WHICH IS HEREBY INCORPORATED BY REFERENCE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MARCH 09, 2021
MATTHEW G. BANTON
96574

RENEWS: 12/31/25

PREPARED FEBRUARY 5, 2024



POVEY AND
ASSOCIATES

P.O. BOX 131, REDMOND, OR 97756
(541) 548-6778 22-073E.DWG

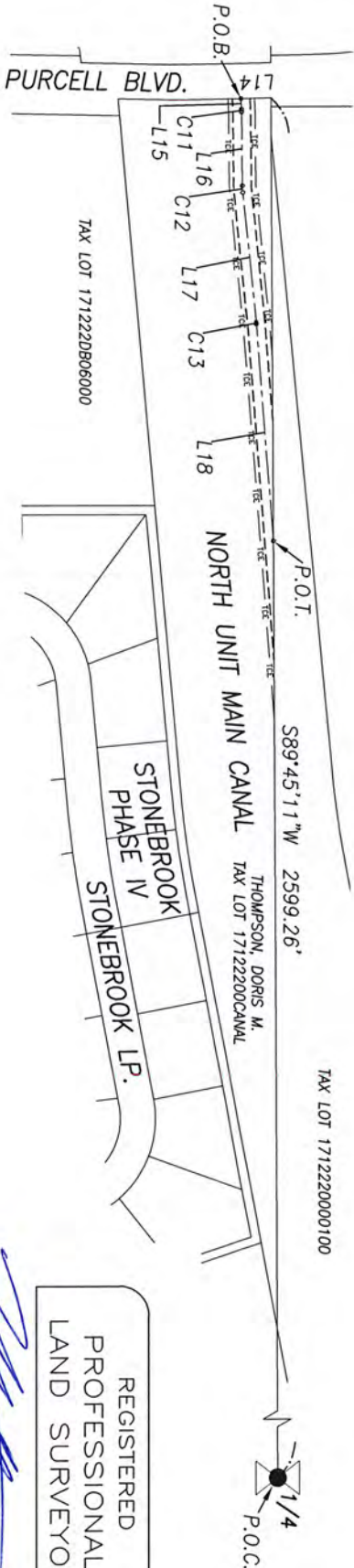
EXHIBIT "B"

LOCATED IN THE NW1/4 SE1/4 OF SECTION 22, T17S, R12E, W.M.,
CITY OF BEND, DESCHUTES COUNTY, OREGON

AREA SUMMARY

TRAIL EASEMENT	0.232 ACRES ±
T.C.E.	0.038 ACRES ± (N. SIDE)
	0.078 ACRES ± (S. SIDE)
	0.116 ACRES ± (TCE TOTAL)

T.C.E. - TEMPORARY CONSTRUCTION EASEMENT
P.O.C. - POINT OF COMMENCEMENT
P.O.B. - POINT OF BEGINNING
P.O.T. - POINT OF TERMINUS



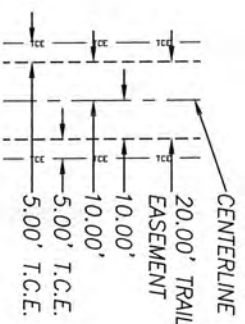
CURVE TABLE

NO.	LENGTH	RADIUS	DELTA	BEARING	CHORD
C11	3.27'	85.57'	02°11'31"	N88°18'12"E	3.27'
C12	7.62'	85.57'	05°06'13"	N86°50'51"E	7.62'
C13	1.86'	85.57'	01°14'45"	N84°55'07"E	1.86'

LINE TABLE

NO.	DIRECTION	LENGTH
L14	S01°13'46"E	34.05'
L15	N87°12'27"E	12.03'
L16	N89°23'58"E	83.91'
L17	N84°17'45"E	148.98'
L18	N85°32'29"E	247.75'

EASEMENT DETAIL



SCALE:
1" = 200'

THOMPSON TRACT - MAIN TRAIL

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MARCH 09, 2021
MATTHEW G. BANTON
96574

RENEW: 12/31/25

PREPARED FEBRUARY 5, 2024

POVEY AND ASSOCIATES

P.O. BOX 131, REDMOND, OR 97756
(541) 548-6778 22-073E.DWG

ATTACHMENT C
Bend Park and Recreation District
North Unit Canal Trail – Phase 1

PARCEL 3 – CALDWELL TRACT

PERMANENT TRAIL EASEMENT &
TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT "A"

CALDWELL TRACT - MAIN TRAIL NORTH

DESCRIPTION PER
TRAIL EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

A TRAIL EASEMENT, LOCATED IN THE NE1/4 OF SECTION 22, T17S, R12E, W.M., BEING A 20.00 FOOT WIDE STRIP OF LAND, 10.00 FEET IN WIDTH ON EACH SIDE WHEN MEASURED AT RIGHT ANGLES TO THE CENTERLINE, AND A TEMPORARY CONSTRUCTION EASEMENT, BEING 5.00 FOOT WIDE STRIPS OF LAND ADJOINING, AND EXTENDING 5.00 FEET AWAY FROM, THE SIDELINES OF SAID TRAIL EASEMENT, WHEN MEASURED AT RIGHT ANGLES TO SAID CENTERLINE, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 22, THENCE S89°45'11"W ALONG THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 22, 2094.63 FEET TO THE CENTERLINE OF SAID TRAIL EASEMENT AND THE POINT OF BEGINNING; THENCE N85°32'29"E, 237.19 FEET; THENCE 8.95 FEET ALONG THE ARC OF A 85.57 FOOT RADIUS CURVE TO THE LEFT, THE LONG CHORD OF WHICH BEARS N82°32'45"E, 8.94 FEET; THENCE N79°33'01"E, 455.67 FEET; THENCE 3.49 FEET ALONG THE ARC OF A 85.57 FOOT RADIUS CURVE TO THE LEFT, THE LONG CHORD OF WHICH BEARS N78°22'51"E, 3.49 FEET; THENCE N77°12'40"E, 191.51 FEET; THENCE 5.30 FEET ALONG THE ARC OF A 85.57 FOOT RADIUS CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS N78°59'02"E, 5.30 FEET; THENCE N80°45'24"E, 522.64 FEET; THENCE 77.19 FEET ALONG THE ARC OF A 400.00 FOOT RADIUS CURVE TO THE LEFT, THE LONG CHORD OF WHICH BEARS N76°08'39"E, 77.07 FEET; THENCE 238.02 FEET ALONG THE ARC OF A 748.31 FOOT RADIUS CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS N79°43'41"E, 237.02 FEET; THENCE N89°58'57"E, 382.79 FEET TO THE EAST LINE OF THE NE1/4 OF SAID SECTION 22 AND THE POINT OF TERMINUS OF THIS DESCRIPTION.

EXCEPTING THEREFROM THAT PORTION OF EASEMENT WHICH LIES WITHIN THE RIGHT-OF-WAY OF EMPIRE AVENUE.

THE ENDS OF THE SIDELINES OF THIS EASEMENT SHALL BE EXTENDED OR SHORTENED TO TERMINATE AT THE ADJACENT BOUNDARY LINES.

BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE CENTRAL OREGON COORDINATE SYSTEM.

A SKETCH OF THE EASEMENT DESCRIBED ABOVE IS DEPICTED ON THE ATTACHED MAP ENTITLED EXHIBIT "B", WHICH IS HEREBY INCORPORATED BY REFERENCE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MARCH 09, 2021
MATTHEW G. BANTON
96574

RENEWS: 12/31/25

PREPARED FEBRUARY 5, 2024

 **POVEY AND
ASSOCIATES**

P.O. BOX 131, REDMOND, OR 97756
(541) 548-6778 22-073E.DWG

EXHIBIT "B"

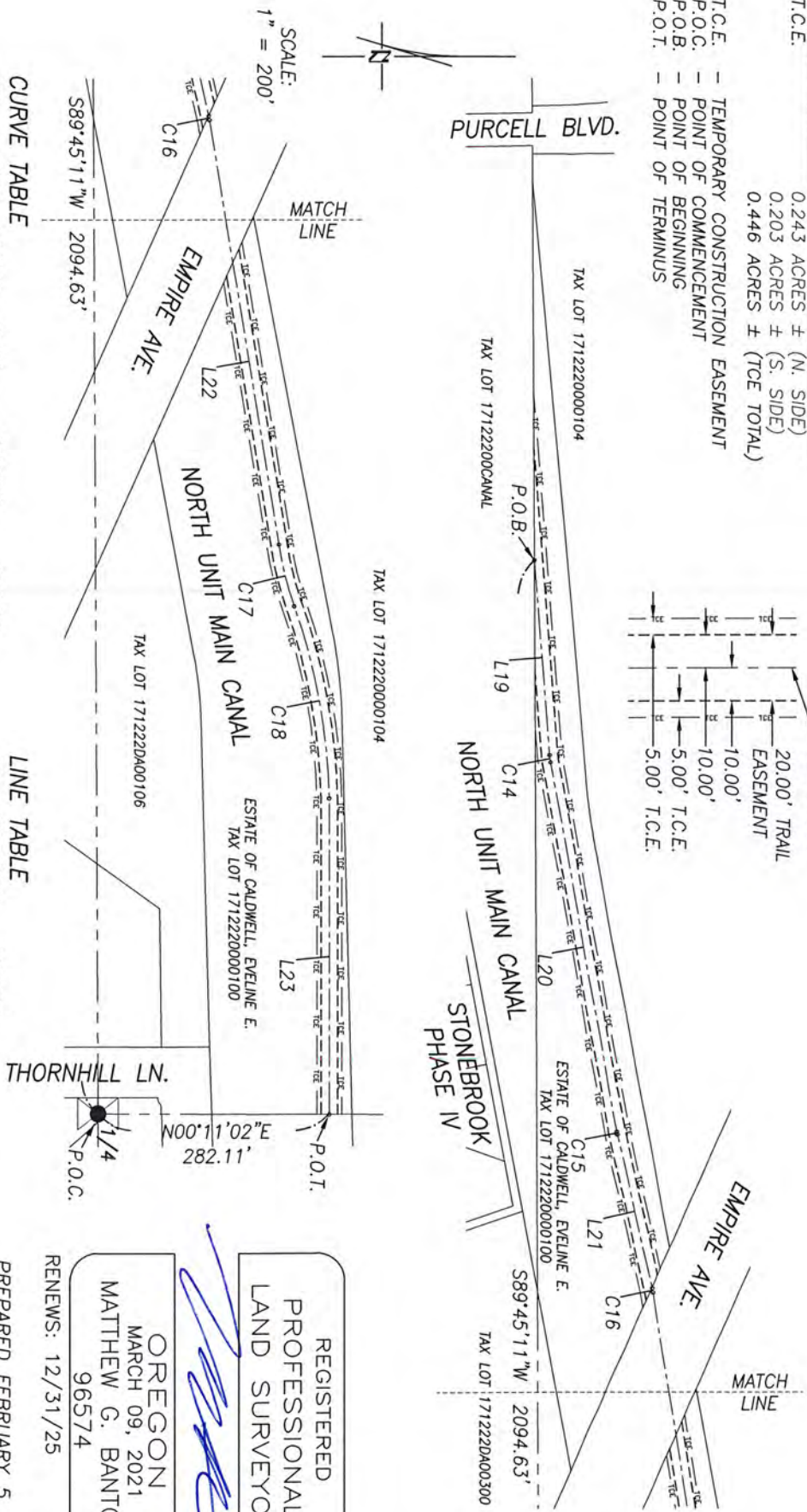
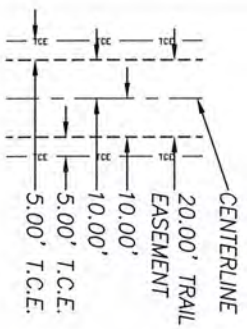
LOCATED IN THE NE1/4 OF SECTION 22, T17S, R12E, W.M., CITY OF BEND, DESCHUTES COUNTY, OREGON

AREA SUMMARY

TRAIL EASEMENT 0.892 ACRES ±
T.C.E. 0.243 ACRES ± (N. SIDE)
0.203 ACRES ± (S. SIDE)
0.446 ACRES ± (TCE TOTAL)

T.C.E. - TEMPORARY CONSTRUCTION EASEMENT
P.O.C. - POINT OF COMMENCEMENT
P.O.B. - POINT OF BEGINNING
P.O.T. - POINT OF TERMINUS

EASEMENT DETAIL



CURVE TABLE

NO.	LENGTH	RADIUS	DELTA	BEARING	CHORD
C14	8.95'	85.57'	05°59'28"	N82°32'45"E	8.94'
C15	3.49'	85.57'	02°20'21"	N78°22'51"E	3.49'
C16	5.30'	85.57'	03°32'44"	N78°59'02"E	5.30'
C17	77.19'	400.00'	11°03'22"	N76°08'39"E	77.07'
C18	238.02'	748.31'	18°13'27"	N79°43'41"E	237.02'

LINE TABLE

NO.	DIRECTION	LENGTH
L19	N85°32'29"E	237.19'
L20	N79°33'01"E	455.67'
L21	N77°12'40"E	191.51'
L22	N80°45'24"E	522.64'
L23	N89°58'57"E	382.79'

REGISTERED
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MARCH 09, 2021
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RENEWS: 12/31/25

PREPARED FEBRUARY 5, 2024

POVEY AND ASSOCIATES

P.O. BOX 131, REDMOND, OR 97756
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EXHIBIT "A"

DESCRIPTION PER
TRAIL EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

A TRAIL EASEMENT, LOCATED IN THE NE1/4 OF SECTION 22, T17S, R12E, W.M., BEING A 20.00 FOOT WIDE STRIP OF LAND, 10.00 FEET IN WIDTH ON EACH SIDE WHEN MEASURED AT RIGHT ANGLES TO THE CENTERLINE, AND A TEMPORARY CONSTRUCTION EASEMENT, BEING 5.00 FOOT WIDE STRIPS OF LAND ADJOINING, AND EXTENDING 5.00 FEET AWAY FROM, THE SIDELINES OF SAID TRAIL EASEMENT, WHEN MEASURED AT RIGHT ANGLES TO SAID CENTERLINE, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 22, THENCE N00°11'02"E ALONG THE EAST LINE OF THE NE1/4 OF SAID SECTION 22, 181.41 FEET TO THE CENTERLINE OF SAID TRAIL EASEMENT AND THE POINT OF BEGINNING; THENCE S86°38'40"W, 10.36; THENCE S85°51'23"W, 150.23 FEET; THENCE S88°47'59"W, 223.12 FEET; THENCE S81°11'31"W, 125.05 FEET; THENCE S85°52'49"W, 141.89 FEET; THENCE S73°00'03"W, 121.54 FEET; THENCE S77°43'11"W, 86.18 FEET TO THE NORTH RIGHT-OF-WAY OF EMPIRE AVENUE AND THE TERMINUS OF THIS DESCRIPTION.

THE ENDS OF THE SIDELINES OF THIS EASEMENT SHALL BE EXTENDED OR SHORTENED TO TERMINATE AT THE ADJACENT BOUNDARY LINES.

BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE CENTRAL OREGON COORDINATE SYSTEM.

A SKETCH OF THE EASEMENT DESCRIBED ABOVE IS DEPICTED ON THE ATTACHED MAP ENTITLED EXHIBIT "B", WHICH IS HEREBY INCORPORATED BY REFERENCE.

REGISTERED
PROFESSIONAL
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OREGON
MARCH 09, 2021
MATTHEW G. BANTON
96574

RENEWES: 12/31/25

PREPARED FEBRUARY 5, 2024



POVEY AND
ASSOCIATES

P.O. BOX 131, REDMOND, OR 97756
(541) 548-6778 22-073E.DWG

EXHIBIT "B"

LOCATED IN THE NE1/4 OF SECTION 22, T17S, R12E, W.M., CITY OF BEND, DESCHUTES COUNTY, OREGON

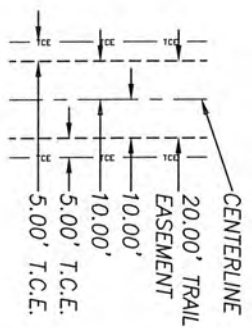
AREA SUMMARY

TRAIL EASEMENT	0.394 ACRES ±
T.C.E.	0.101 ACRES ± (N. SIDE)
	0.096 ACRES ± (S. SIDE)
	0.197 ACRES ± (TCE TOTAL)
T.C.E. - TEMPORARY CONSTRUCTION EASEMENT	
P.O.C. - POINT OF COMMENCEMENT	
P.O.B. - POINT OF BEGINNING	
P.O.T. - POINT OF TERMINUS	

LINE TABLE

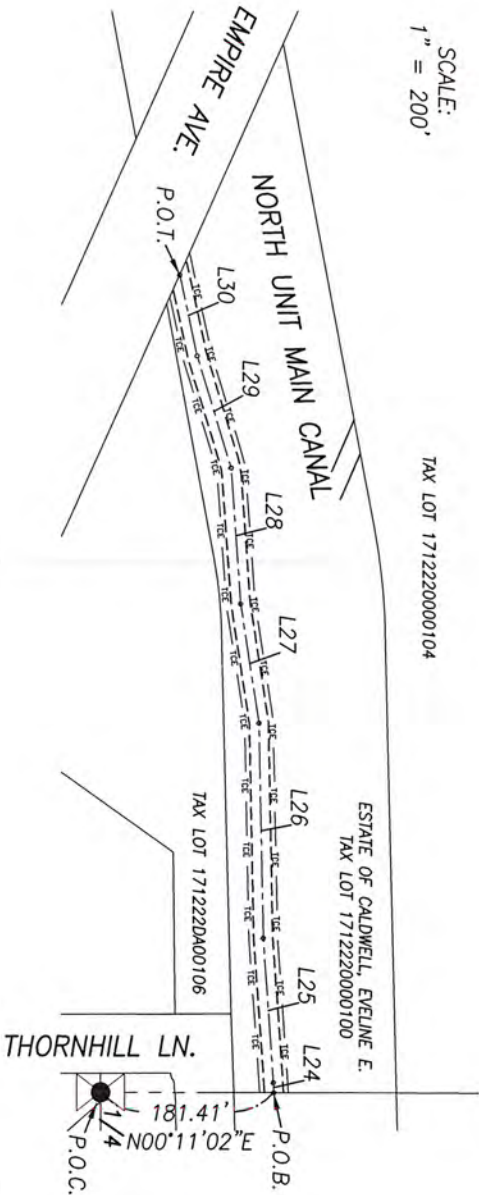
NO.	DIRECTION	LENGTH
L24	S86°38'40"W	10.36'
L25	S85°51'23"W	150.23'
L26	S88°47'59"W	223.12'
L27	S81°11'31"W	125.05'
L28	S85°52'49"W	141.89'
L29	S73°00'03"W	121.54'
L30	S77°43'11"W	86.18'

EASEMENT DETAIL



SCALE:
1" = 200'

TAX LOT 1712220000104



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MARCH 09, 2021
MATTHEW G. BANTON
96574

RENEWALS: 12/31/25

PREPARED FEBRUARY 5, 2024

POVEY AND ASSOCIATES

P.O. BOX 131, REDMOND, OR 97756
(541) 548-6778 22-073E.DWG

EXHIBIT "A"

DESCRIPTION PER
TRAIL EASEMENT

A TRAIL EASEMENT, LOCATED IN THE NE1/4 OF SECTION 22, T17S, R12E, W.M., BEING A 20.00 FOOT WIDE STRIP OF LAND, 10.00 FEET IN WIDTH ON EACH SIDE WHEN MEASURED AT RIGHT ANGLES TO THE CENTERLINE, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF A 20.00 FOOT WIDE TRAIL EASEMENT, FROM WHICH THE EAST 1/4 CORNER OF SAID SECTION 22 BEARS S86°04'26"E, 1443.08 FEET; THENCE N45°45'45"E, 56.82 FEET; THENCE 11.63 FEET ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS N62°25'23"E, 11.47 FEET; THENCE N79°05'00"E, 402.23 FEET; THENCE 2.89 FEET ALONG THE ARC OF A 10.00 FOOT RADIUS CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS N87°21'04"E, 2.88 FEET; THENCE S84°22'52"E, 38.80 FEET; THENCE 4.40 FEET ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS S78°04'58"E, 4.39 FEET; THENCE S71°47'03"E, 50.63 FEET TO THE NORTH LINE OF A 20.00 FOOT WIDE TRAIL EASEMENT AND THE POINT OF TERMINUS OF THIS DESCRIPTION.

EXCEPTING THEREFROM THAT PORTION OF THE ABOVE DESCRIBED EASEMENT WHICH LIES WITHIN THE LANDS DESCRIBED IN DEED DOCUMENT NO. 2004-76725, DESCHUTES COUNTY OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION OF EASEMENT WHICH LIES WITHIN THE RIGHT-OF-WAY OF EMPIRE AVENUE.

THE ENDS OF THE SIDELINES OF THIS EASEMENT SHALL BE EXTENDED OR SHORTENED TO TERMINATE AT THE ADJACENT EASEMENT AND BOUNDARY LINES.

BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE CENTRAL OREGON COORDINATE SYSTEM.

A SKETCH OF THE EASEMENT DESCRIBED ABOVE IS DEPICTED ON THE ATTACHED MAP ENTITLED EXHIBIT "B", WHICH IS HEREBY INCORPORATED BY REFERENCE.

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RENEWS: 12/31/25

PREPARED FEBRUARY 5, 2024



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22-073E.DWG

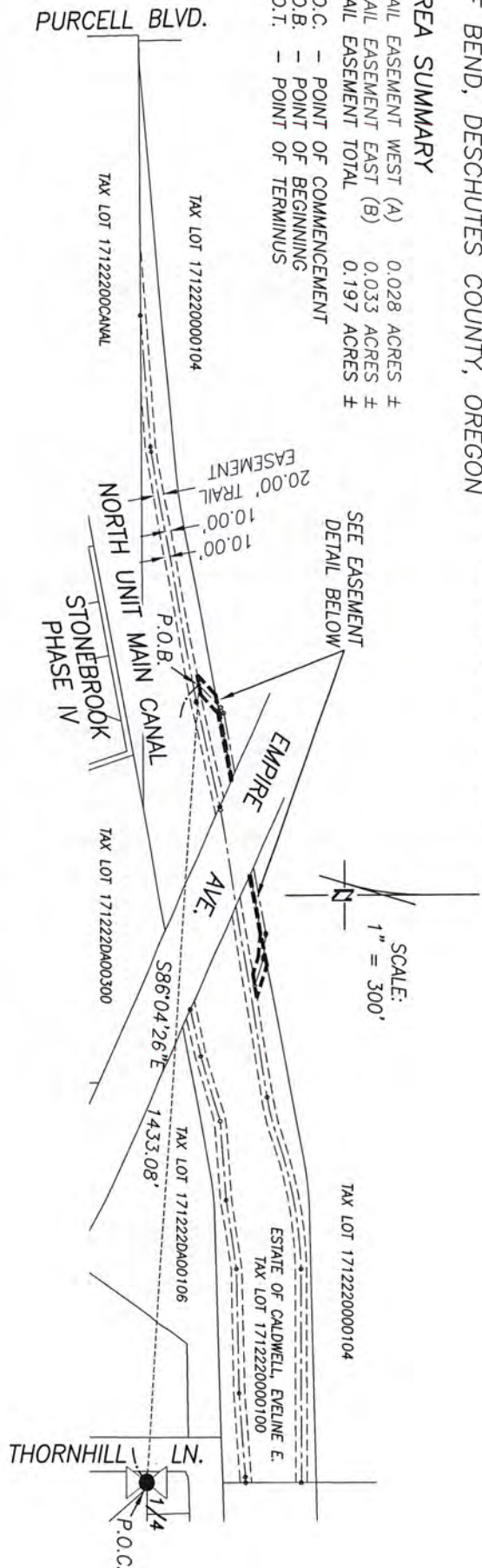
EXHIBIT "B"

LOCATED IN THE NE1/4 OF SECTION 22, T17S, R12E, W.M., CITY OF BEND, DESCHUTES COUNTY, OREGON

CALDWELL TRACT - TRAIL "A/B"

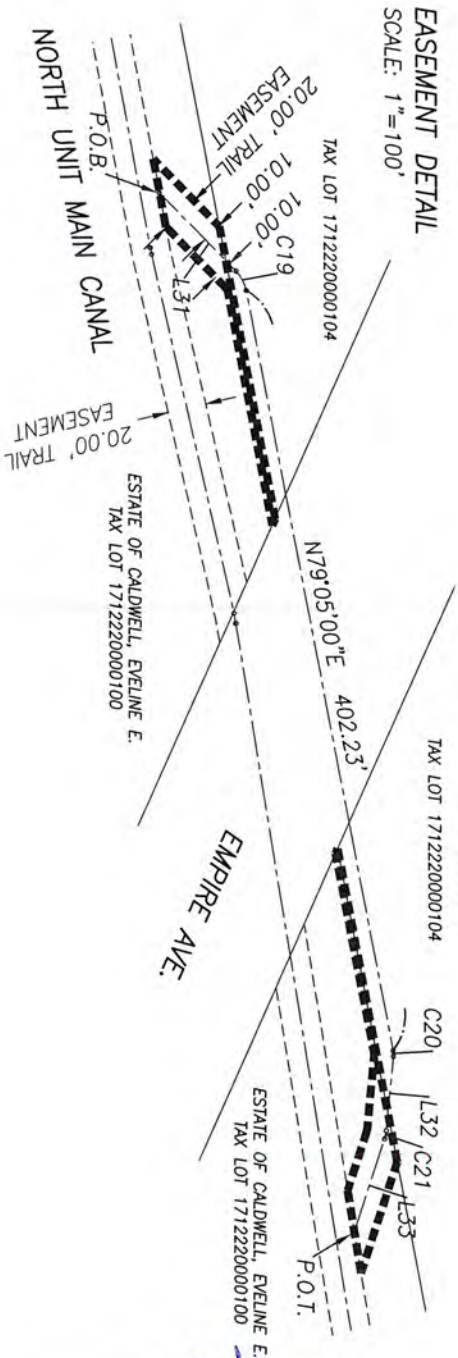
AREA SUMMARY

TRAIL EASEMENT WEST (A)	0.028 ACRES ±
TRAIL EASEMENT EAST (B)	0.033 ACRES ±
TRAIL EASEMENT TOTAL	0.197 ACRES ±
P.O.C. - POINT OF COMMENCEMENT	
P.O.B. - POINT OF BEGINNING	
P.O.T. - POINT OF TERMINUS	



EASEMENT DETAIL

SCALE: 1"=100'



CURVE TABLE

NO.	LENGTH	RADIUS	DELTA	BEARING	CHORD
C19	11.63'	20.00'	33°19'15"	N62°25'23"E	11.47'
C20	2.88'	10.00'	16°32'07"	N87°21'04"E	2.88'
C21	4.40'	20.00'	12°35'49"	S78°04'58"E	4.39'

LINE TABLE

NO.	DIRECTION	LENGTH
L31	N45°45'45"E	56.82'
L32	S84°22'52"E	38.80'
L33	S71°47'03"E	50.63'

REGISTERED
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RENEW: 12/31/25

PREPARED FEBRUARY 5, 2024

POVEY AND ASSOCIATES

P.O. BOX 131, REDMOND, OR 97756
(541) 548-6778 22-073E.DWG

EXHIBIT "A"

DESCRIPTION PER TRAIL EASEMENT

A TRAIL EASEMENT, LOCATED IN THE NE1/4 OF SECTION 22, T17S, R12E, W.M., BEING A 20.00 FOOT WIDE STRIP OF LAND, 10.00 FEET IN WIDTH ON EACH SIDE WHEN MEASURED AT RIGHT ANGLES TO THE CENTERLINE, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF A 20.00 FOOT WIDE TRAIL EASEMENT, FROM WHICH THE EAST 1/4 CORNER OF SAID SECTION 22 BEARS S68°39'31"E, 675.08 FEET; THENCE N66°33'33"E ALONG SAID CENTERLINE, 55.77 FEET TO THE SOUTH LINE OF THE LANDS DESCRIBED IN DEED DOCUMENT NO. 2004-76725, DESCHUTES COUNTY OFFICIAL RECORDS, AND POINT OF TERMINUS OF THIS DESCRIPTION.

THE ENDS OF THE SIDELINES OF THIS EASEMENT SHALL BE EXTENDED OR SHORTENED TO TERMINATE AT THE ADJACENT EASEMENT AND BOUNDARY LINES.

BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE CENTRAL OREGON COORDINATE SYSTEM.

A SKETCH OF THE EASEMENT DESCRIBED ABOVE IS DEPICTED ON THE ATTACHED MAP ENTITLED EXHIBIT "B", WHICH IS HEREBY INCORPORATED BY REFERENCE.

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RENEWS: 12/31/25

PREPARED FEBRUARY 5, 2024

PGA POVEY AND
ASSOCIATES

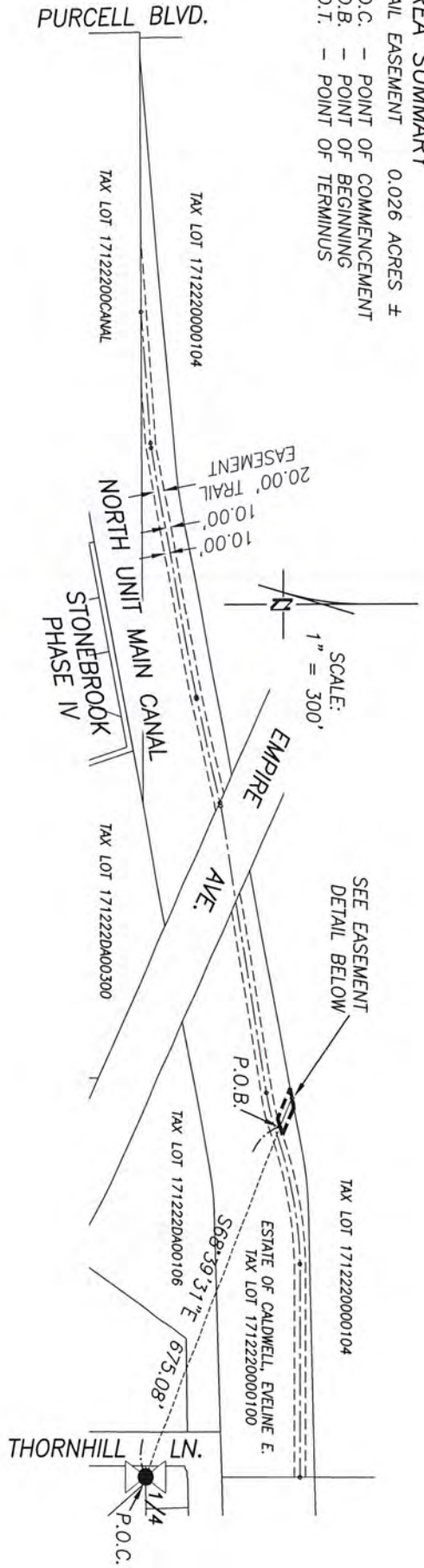
P.O. BOX 131, REDMOND, OR 97756
(541) 548-6778 22-073E.DWG

EXHIBIT "B"

LOCATED IN THE NE1/4 OF SECTION 22, T17S, R12E, W.M., CITY OF BEND, DESCHUTES COUNTY, OREGON

AREA SUMMARY

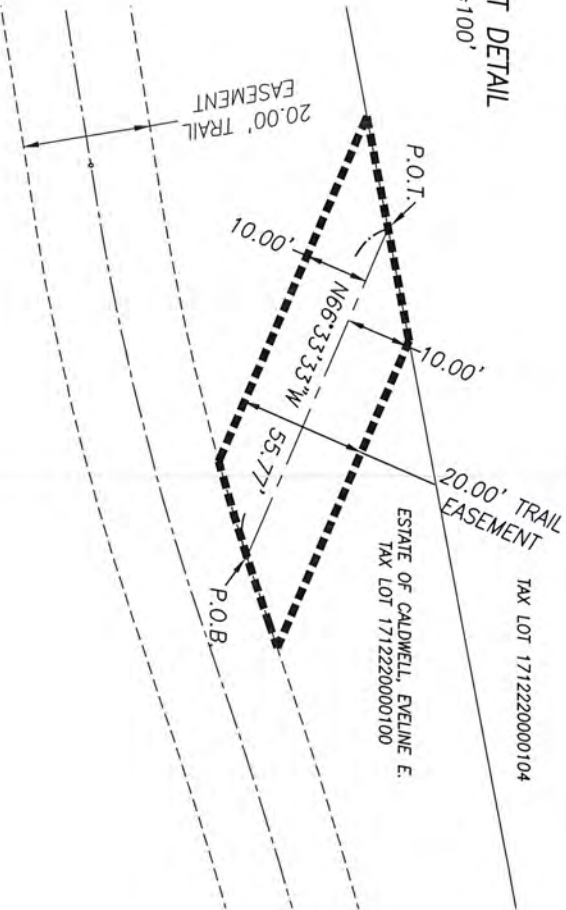
TRAIL EASEMENT 0.026 ACRES ±
P.O.C. - POINT OF COMMENCEMENT
P.O.B. - POINT OF BEGINNING
P.O.T. - POINT OF TERMINUS



CALDWELL TRACT - TRAIL "C"

EASEMENT DETAIL

SCALE: 1"=100'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]

OREGON
MARCH 09, 2021
MATTHEW G. BANTON
96574

RENEWS: 12/31/25

PREPARED FEBRUARY 5, 2024

POVEY AND ASSOCIATES

P.O. BOX 131, REDMOND, OR 97756
(541) 548-6778 22-073E.DWG

ATTACHMENT D
Bend Park and Recreation District
North Unit Canal Trail – Phase 1

PARCEL 4 – PINE NURSERY TRACT

PERMANENT TRAIL EASEMENT &
TEMPORARY CONSTRUCTION EASEMENT

EXHIBIT "A"

PINE NURSERY TRACT - MAIN TRAIL NORTH

DESCRIPTION PER TRAIL EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

A TRAIL EASEMENT, LOCATED IN THE SW1/4 NW1/4 OF SECTION 23, T17S, R12E, W.M., BEING A 20.00 FOOT WIDE STRIP OF LAND, 10.00 FEET IN WIDTH ON EACH SIDE WHEN MEASURED AT RIGHT ANGLES TO THE CENTERLINE, AND A TEMPORARY CONSTRUCTION EASEMENT, BEING 5.00 FOOT WIDE STRIPS OF LAND ADJOINING, AND EXTENDING 5.00 FEET AWAY FROM, THE SIDELINES OF SAID TRAIL EASEMENT, WHEN MEASURED AT RIGHT ANGLES TO SAID CENTERLINE, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 23, THENCE N00°11'02"E ALONG THE WEST LINE OF THE SAID SW1/4 NW1/4, 282.11 FEET TO THE CENTERLINE OF SAID ACCESS EASEMENT AND THE POINT OF BEGINNING; THENCE N89°58'57"E, 235.24 FEET; THENCE 367.83 FEET ALONG THE ARC OF A 340.00 FOOT RADIUS CURVE TO THE LEFT, THE LONG CHORD OF WHICH BEARS N58°59'23"E, 350.15 FEET; THENCE N27°59'50"E, 269.62 FEET; THENCE 218.54 FEET ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS N48°51'58"E, 213.74 FEET; THENCE N69°44'05"E, 282.39 FEET; THENCE 191.18 FEET ALONG THE ARC OF A 700.00 FOOT RADIUS CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS N77°33'33"E, 190.59 FEET; THENCE N58°40'32"E, 19.59 FEET; THENCE N88°50'04"E, 16.65 FEET TO THE WEST RIGHT-OF-WAY LINE OF DESCHUTES MARKET ROAD AND THE POINT OF TERMINUS OF THIS DESCRIPTION.

THE ENDS OF THE SIDELINES OF THIS EASEMENT SHALL BE EXTENDED OR SHORTENED TO TERMINATE AT THE ADJACENT BOUNDARY LINES.

BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE CENTRAL OREGON COORDINATE SYSTEM.

A SKETCH OF THE EASEMENT DESCRIBED ABOVE IS DEPICTED ON THE ATTACHED MAP ENTITLED EXHIBIT "B", WHICH IS HEREBY INCORPORATED BY REFERENCE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MARCH 09, 2021
MATTHEW G. BANTON
96574

RENEWS: 12/31/25

PREPARED FEBRUARY 5, 2024



POVEY AND
ASSOCIATES

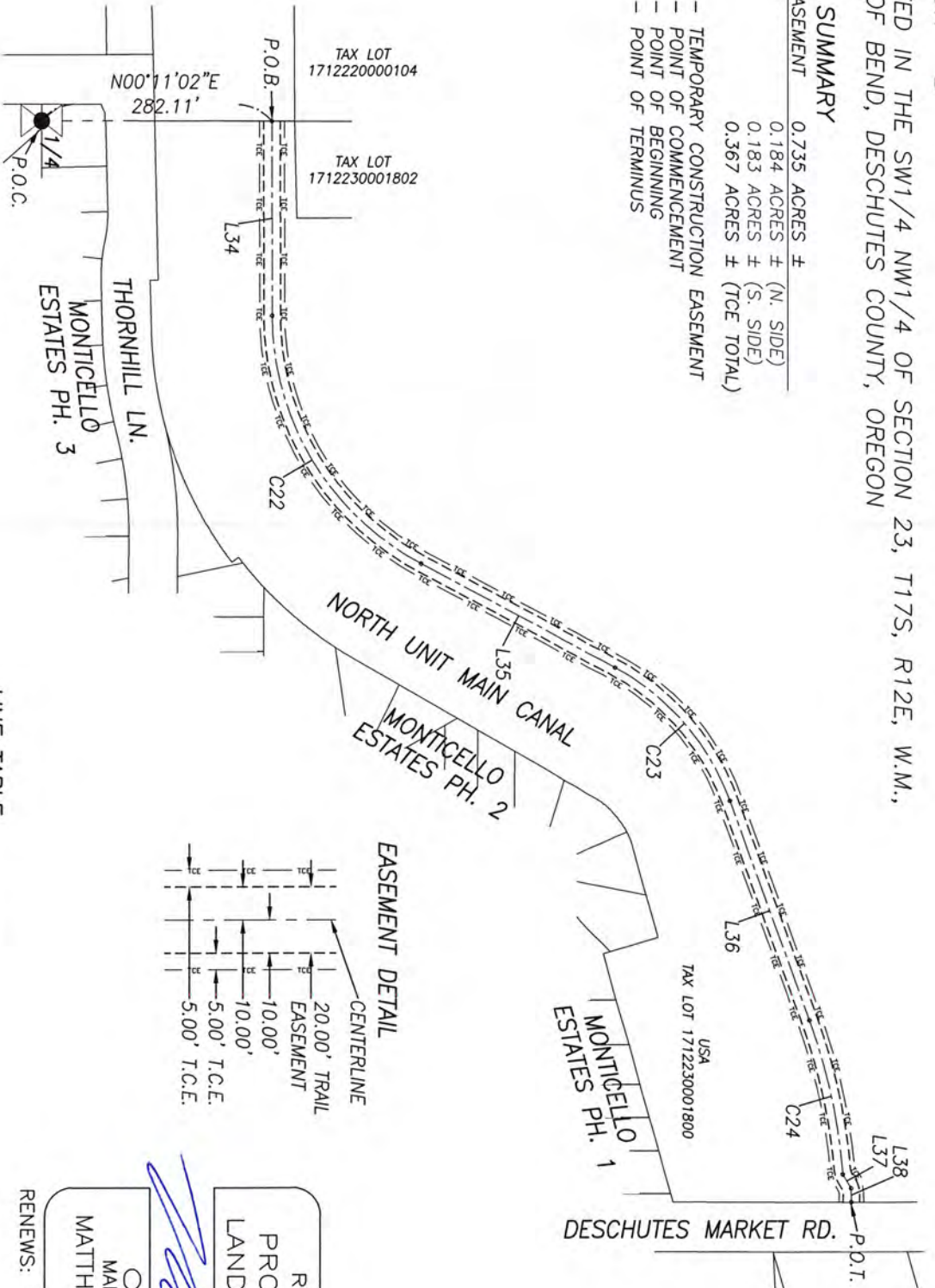
P.O. BOX 131, REDMOND, OR 97756
(541) 548-6778 22-073E.DWG

EXHIBIT "B"

LOCATED IN THE SW1/4 NW1/4 OF SECTION 23, T17S, R12E, W.M., CITY OF BEND, DESCHUTES COUNTY, OREGON

AREA SUMMARY

TRAIL EASEMENT	0.735 ACRES ±
T.C.E.	0.184 ACRES ± (N. SIDE)
	0.183 ACRES ± (S. SIDE)
	0.367 ACRES ± (TCE TOTAL)
T.C.E.	- TEMPORARY CONSTRUCTION EASEMENT
P.O.C.	- POINT OF COMMENCEMENT
P.O.B.	- POINT OF BEGINNING
P.O.T.	- POINT OF TERMINUS

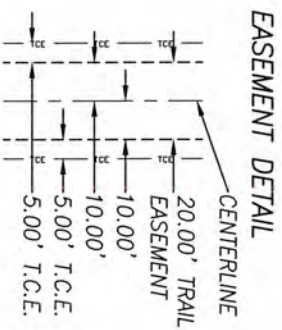


CURVE TABLE

NO.	LENGTH	RADIUS	DELTA	BEARING	CHORD
C22	367.83'	340.00'	61°59'07"	N58°59'23"E	350.15'
C23	218.54'	300.00'	41°44'16"	N48°51'58"E	213.74'
C24	191.18'	700.00'	15°38'55"	N77°33'33"E	190.59'

LINE TABLE

NO.	DIRECTION	LENGTH
L34	N89°58'57"E	235.24'
L35	N27°59'50"E	269.62'
L36	N69°44'05"E	282.39'
L37	N58°40'32"E	19.59'
L38	N88°50'04"E	16.65'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MARCH 09, 2021
MATTHEW G. BANTON
96574

RENEWALS: 12/31/25

PREPARED FEBRUARY 5, 2024

POVEY AND ASSOCIATES

P.O. BOX 131, REDMOND, OR 97756
(541) 548-6778
22-073E.DWG

EXHIBIT "A"

DESCRIPTION PER
TRAIL EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT

A TRAIL EASEMENT, LOCATED IN THE SW1/4 NW1/4 OF SECTION 23, T17S, R12E, W.M., BEING A 20.00 FOOT WIDE STRIP OF LAND, 10.00 FEET IN WIDTH ON EACH SIDE WHEN MEASURED AT RIGHT ANGLES TO THE CENTERLINE, AND A TEMPORARY CONSTRUCTION EASEMENT, BEING 5.00 FOOT WIDE STRIPS OF LAND ADJOINING, AND EXTENDING 5.00 FEET AWAY FROM, THE SIDELINES OF SAID TRAIL EASEMENT, WHEN MEASURED AT RIGHT ANGLES TO SAID CENTERLINE, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 23, THENCE N00°11'02"E ALONG THE WEST LINE OF THE SAID SW1/4 NW1/4, 181.41 FEET TO THE CENTERLINE OF SAID ACCESS EASEMENT AND THE POINT OF BEGINNING; THENCE N86°38'40"E, 256.58 FEET; THENCE 441.37 FEET ALONG THE ARC OF A 415.00 FOOT RADIUS CURVE TO THE LEFT, THE LONG CHORD OF WHICH BEARS N56°10'36"E, 420.86 FEET; THENCE N25°42'31"E, 170.75 FEET; THENCE N32°32'30"E, 127.38 FEET; THENCE 156.59 FEET ALONG THE ARC OF A 200.00 FOOT RADIUS CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS N54°58'16"E, 152.62 FEET; THENCE N77°24'02"E, 133.53 FEET; THENCE N83°33'39"E, 77.60 FEET; THENCE N75°05'12"E, 47.68 FEET; THENCE N72°37'15"E, 151.89 FEET; THENCE 30.71 FEET ALONG THE ARC OF A 100.00 FOOT RADIUS CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS N81°25'11"E, 30.59 FEET; THENCE S89°46'52"E, 5.16 FEET TO THE WEST RIGHT-OF-WAY LINE OF DESCHUTES MARKET ROAD AND THE POINT OF TERMINUS OF THIS DESCRIPTION.

THE ENDS OF THE SIDELINES OF THIS EASEMENT SHALL BE EXTENDED OR SHORTENED TO TERMINATE AT THE ADJACENT BOUNDARY LINES.

BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE CENTRAL OREGON COORDINATE SYSTEM.

A SKETCH OF THE EASEMENT DESCRIBED ABOVE IS DEPICTED ON THE ATTACHED MAP ENTITLED EXHIBIT "B", WHICH IS HEREBY INCORPORATED BY REFERENCE.

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OREGON
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RENEWS: 12/31/25

PREPARED FEBRUARY 5, 2024



POVEY AND
ASSOCIATES

P.O. BOX 131, REDMOND, OR 97756
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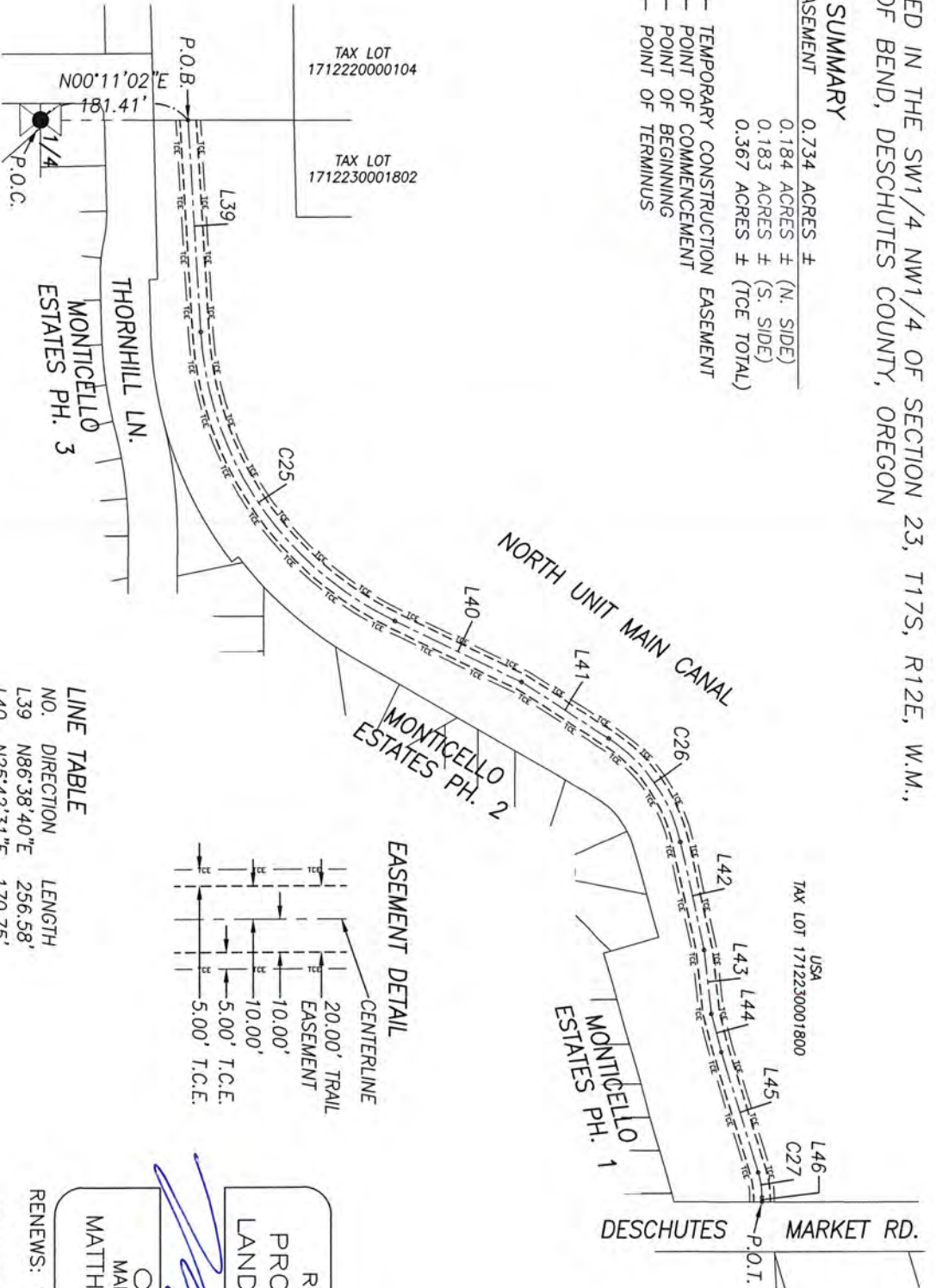
22-073E.DWG

EXHIBIT "B"

LOCATED IN THE SW1/4 NW1/4 OF SECTION 23, T17S, R12E, W.M.,
CITY OF BEND, DESCHUTES COUNTY, OREGON

AREA SUMMARY

TRAIL EASEMENT	0.734 ACRES ±
T.C.E.	0.184 ACRES ± (N. SIDE)
	0.183 ACRES ± (S. SIDE)
	0.367 ACRES ± (TCE TOTAL)
T.C.E.	— TEMPORARY CONSTRUCTION EASEMENT
P.O.C.	— POINT OF COMMENCEMENT
P.O.B.	— POINT OF BEGINNING
P.O.T.	— POINT OF TERMINUS

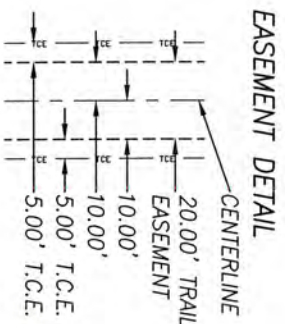


CURVE TABLE

NO.	LENGTH	RADIUS	DELTA	BEARING	CHORD
C25	441.37'	415.00'	60°56'09"	N56°10'36"E	420.86'
C26	156.59'	200.00'	44°51'31"	N54°58'16"E	152.62'
C27	30.71'	100.00'	17°35'53"	N81°25'11"E	30.59'

LINE TABLE

NO.	DIRECTION	LENGTH
L39	N86°38'40"E	256.58'
L40	N25°42'31"E	170.75'
L41	N32°32'30"E	127.38'
L42	N77°24'02"E	133.53'
L43	N83°33'39"E	77.60'
L44	N75°05'12"E	47.68'
L45	N72°37'15"E	151.89'
L46	S89°46'52"E	5.16'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MARCH 09, 2021
MATTHEW G. BANTON
96574

RENEWALS: 12/31/25

PREPARED FEBRUARY 5, 2024

POVEY AND ASSOCIATES

P.O. BOX 131, REDMOND, OR 97756
(541) 548-6778 22-073E.DWG

BOARD AGENDA COMMUNICATION

AGENDA DATE:	July 2, 2024
SUBJECT:	Approve MOU with Bend Pickleball Club and Bend Park and Recreation Foundation
STAFF RESOURCE:	Matt Mercer, Recreation Services Director
PREVIOUS BOARD ACTION:	None
ACTION PROPOSED:	Approve Memorandum of Understanding
STRATEGIC PLAN:	
Pillar:	Community Relationships
Outcome:	The District is strategic about partnerships
Strategy:	Partner where there is a shared mission and broad community benefit.

BACKGROUND

The pickleball court complex at Pine Nursery Community Park consists of 16 courts developed in 2013 and 2015 by the district with support of donations spearheaded by the Bend Pickleball Club ("Club") and a private donor. Since then, pickleball interest and participation has continued to explode and the district regularly hears from community members desiring more open play opportunities. Over the same period, Club membership has grown to over 1,450 people and organized play times have been capped for several years.

The district is currently planning for the next development phase at Pine Nursery. The Phase 5 Project scope includes the potential for eight (8) additional pickleball courts to provide both more drop-in play opportunities and club-organized play capacity. Currently during club-organized play times, there are 12 courts used by the Club and four (4) courts available for drop-in use. All 16 courts are available for drop-in use at all other times. The new courts would be dedicated to open play opportunities except for several tournaments each year while the existing 16 courts would be available for expanded club-organized play. This would essentially allow for four (4) additional courts for club-organized play and four (4) additional courts for drop-in use during shared use times. It would also better separate organized club play from drop-in play. Finally, it would provide eight (8) additional courts for drop-in play during non-club times.

Since the project provides mutual benefits to both the district and the Club, the parties have agreed to share in the cost of construction. The proposed Memo of Understanding (MOU) outlines the commitments and responsibilities of both parties. The MOU also includes the Bend Park and Recreation Foundation as they will serve as the fiscal sponsor for Club and community donations. Both the Foundation and Bend Pickleball Club boards have approved the draft MOU.

BUDGETARY IMPACT

The Pine Nursery Phase 5 Project is included in the recently adopted Capital Improvement Plan (Fiscal Years 2025-2029). The funding allocation includes \$400,000 in alternative funding for the pickleball courts. The project is currently in design with construction anticipated to take place in 2025-2026.

STAFF RECOMMENDATION

Staff recommends that the board approve the draft Memorandum of Understanding with Bend Pickleball Club and Bend Park and Recreation Foundation for the development of 8 additional pickleball courts as a part of the Pine Nursery Phase 5 Project and authorize the Executive Director to finalize and execute the agreement with the parties. The MOU continues a strong partnership with the Bend Pickleball Club to meet the needs for both drop-in play opportunities and club-organized play in the community.

MOTION

I move to authorize the executive director to enter into a Memorandum of Understanding with Bend Pickleball Club and Bend Park and Recreation Foundation for the development of 8 additional pickleball courts as a part of the Pine Nursery Phase 5 Project under the general conditions outlined in the attached draft MOU and pending final legal and Park and Recreation Foundation review.

ATTACHMENT

Draft Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING

This memorandum of understanding (“**MOU**”) is dated as of the Effective Date and is between BEND PARK AND RECREATION DISTRICT, an Oregon special district (the “**District**”), BEND PARK AND RECREATION FOUNDATION, a nonprofit corporation (the “**Foundation**”), and BEND PICKLEBALL CLUB, a nonprofit corporation (the “**Club**”).

The purpose of this MOU is to outline the roles and responsibilities of the parties for the development of eight additional pickleball courts and related improvements as part of the District’s Pine Nursery Park Phase 5 project.

1 **Representatives**

The below representatives are the primary point-of-contact on behalf of their respective entity. A party may change their representative at any time by written notice to the other parties. All notices or other communications required or permitted by this MOU must be in writing, delivered to the parties at the addresses set forth below, or such other address as a party may designate by written notice to the other parties.

The District’s representative:

Matt Mercer
Director of Recreation Services
799 SW Columbia Street
Bend, OR 97702
Matt@bendparksandrec.org
(541) 706-6103

The Club’s representative:

Kirk Foster
Bend Pickleball Club President
PO Box 8023
Bend, OR 97708-8023
Kfoster@bendpickleballclub.com
(661) 203-5300

The Foundation’s representative:

Kim Johnson
Community Engagement Supervisor
799 SW Columbia Street
Bend, OR 97702
Kim@bendparksandrec.org
(541) 706-6127

2 **Project Description**

The District intends to develop eight additional pickleball courts and related improvements at Pine Nursery Park located at 63100 NE Purcell Blvd, Bend, OR 97701 as part of its Pine Nursery Park Phase 5 project (the “**Project**”). The Project intends to complement the existing 16 pickleball courts and expand play opportunities for both the organized Club use and drop-in use for the public. In addition to the eight new pickleball courts, the Project is intended to include a plaza, landscaping, and infrastructure for future pickleball court lighting.

3 **Plan Approval**

The District representative will share plans, drawings, and specifications for the Project applicable to this MOU with the Club at appropriate milestones to seek input and feedback from the Club; however, the District retains sole discretion over the design and construction of the Project without liability to the Club.

4 **Project Cost**

The District's cost estimate for construction of the Project as of the Effective Date is \$800,000. The District will receive additional cost estimates as plans are further developed; the District representative intends to share these additional cost estimates with the Club's representative as they become available. The actual cost to construct the Project will not be known until the District enters into a contract for construction with its selected general contractor. In the event the cost to construct the Project exceeds the funding available for the Project, the District may, in its sole discretion, modify the Project so that it can be constructed within the available funding, and/or the parties may provide additional funding to the Project.

5 **Project Funding**

- (a) The District will provide, at its own cost, all necessary professional design services to design and construct the Project, which includes, plans, specifications, permitting, cost estimating, bidding, and construction administration. Additionally, the District intends to provide funding for construction of the Project up to \$400,000 or 50% of the cost of constructing the Project, whichever is less. However, in the event additional funding is necessary to construct the Project, the District may provide such additional funding without any requirement for additional funding from the Club at the District's sole discretion. Notwithstanding the foregoing, the District's funding is subject to appropriations, limitations, allotments, or other expenditure authority.
- (b) The Foundation will serve as the fiscal sponsor of the Club's fundraising efforts for its funding of the Project. The Foundation will deposit all funds received from, or on behalf of, the Club into a fund which is dedicated exclusively to funding the Project (the "**Bend Pickleball Project Fund**"). The Foundation will provide receipt letters to all donors. The Foundation will hold and disburse moneys from the Bend Pickleball Project Fund to the District as directed to by the District. Any amounts remaining in the Bend Pickleball Project Fund after completion of the Project will remain in the Foundation's Bend Pickleball Project Fund and may be used for future pickleball court developments or improvements at the District's sole discretion.
- (c) The Club intends to lead fundraising efforts to raise \$400,000 or 50% of the cost of constructing the Project, whichever is less. The Club's fundraising efforts may include donations, grants, and sponsorships, each of which are subject to the following (as applicable):
 - (1) donations, whether collected by the Club and deposited with the Foundation, or deposited directly with the Foundation by the donor, will be held in the Foundation's Bend Pickleball Project Fund;
 - (2) any grant application(s) must be approved by the District representative prior to submission; further, grant awards and/or agreements must be approved by the District representative prior to the Club's acceptance; and

- (3) sponsorships must be prior approved by the District representative, including, without limitation, any sponsorship agreements or recognition.

6 Project Construction and Timeline

- (a) The District currently anticipates beginning construction of the Project during Fall 2025. However, the District intends to begin construction of the Project only after (1) construction documents have been received and approved by the District, (2) permits have been completed and obtained, and (3) sufficient funds have been obtained through (A) the District's adopted budget, (B) the Foundation's Bend Pickleball Project Fund, and (C) the Club's committed grant and sponsorship funds.
- (b) In the event the Club has not raised the full required amount prior to the scheduled start of construction, the District, at its sole discretion, will determine whether to begin construction or delay the Project, either of which may be subject to revised terms and conditions for meeting the full required contribution.

7 Ownership and Operation

- (a) The District will own the Project in perpetuity and will maintain the Project to the District's standards.
- (b) The Club may provide services and/or funding to maintain the Project to a higher standard as described in the District's and the Club's April 14, 2023 operation and use agreement, subject to any later agreements entered into by the District and the Club that contemplate such maintenance arrangements.
- (c) The District and the Club intend the following:
 - (1) that the eight pickleball courts provided by the Project will be available for use by members of the public at all times, except for those times they are reserved for occasional tournaments or special events.
 - (2) once constructed, the additional eight courts provided by the Project will nullify the current requirement of maintaining four pickleball courts for use by members of the public under the District's and the Club's April 14, 2023 operation and use agreement; as such, the District and the Club intend to enter into a new operation and use agreement on or around completion of the Project.

8 Termination

Any party may withdraw from this MOU upon 30-days prior written notice to the other parties.

9 Changes

This MOU may only be changed by a written amendment sign by the parties.

10 Effectiveness and Date

This MOU will become effective when all parties have signed it. The date of this MOU will be the date this MOU is signed by the last party to sign it (as indicated by the date associated with that

party's signature) (the "**Effective Date**"). If a party signs this MOU but fails to date their signature, the date the other party receives the signing party's signature will be deemed to be the date the signing party signed this MOU.

(signatures to immediately follow)

The parties are signing this MOU on the date stated opposite that party's signature.

Date: _____	BEND PARK AND RECREATION DISTRICT
	By: _____
	Name: _____
	Title: _____
Date: _____	BEND PARK AND RECREATION FOUNDATION
	By: _____
	Name: _____
	Title: _____
Date: _____	BEND PICKLEBALL CLUB
	By: _____
	Name: _____
	Title: _____

BOARD AGENDA COMMUNICATION

AGENDA DATE:	July 2, 2024
SUBJECT:	Approve Amendment to Professional Services Contract for McKay, Miller's Landing and Columbia Parks River Access Project
STAFF RESOURCE:	Ian Isaacson, Project Manager
PREVIOUS BOARD ACTION:	November 2, 2021 – Board adopted the Deschutes River Access & Habitat Restoration Plan January 17, 2023 - Project Update and Professional Services Contract Amendment #1 approval March 21, 2023 – Initial Concept Design approval July 18, 2023 – Professional Services Contract Amendment #2 approval September, 5, 2023 - Approved Preferred Concepts and Implementation Prioritization
ACTION PROPOSED:	Approve Amendment #5 to Professional Services Contract with ESA
STRATEGIC PLAN:	
Pillar:	Operations and Maintenance
Outcome:	Be a local leader in environmental stewardship
Strategy:	Improve efforts to be responsible stewards of the natural environment

BACKGROUND:

In March 2022, the district hired Environmental Science Associates (ESA) to provide the necessary planning, design and engineering services for the McKay, Miller's Landing and Columbia Parks River Access project. The original professional services agreement included data collection, site survey, analysis and other necessary reconnaissance to allow for the development of initial conceptual level design alternatives, renderings, cost estimates and permitting analysis at each of the project locations.

Amendment #1 to the original contract covered the initial phases of design which included public outreach support, preparation of preferred conceptual designs for each location, and preparation of preliminary conceptual designs for the renovation of the Gilchrist Bridge that connects Columbia Park to the east side of the river. The board provided staff direction to further design based on the conceptual designs prepared during this phase on March 21, 2023.

Amendment #2 to the ESA professional services covered refinement of designs and included further progressing the river access preferred conceptual designs at each site and investigation of regulatory permit applications for Miller's Landing and Columbia Parks.

Amendment #3 to the ESA professional services contract covered additional tasks for ESA to conduct a qualitative stream assessment and prepare a biological assessment (BA) for the Oregon spotted frog, as required by the US Fish and Wildlife Service (USFWS). Subconsultants CEA Consulting Engineers and Walker Structural provided preliminary electrical and structural engineering services, respectively. The amendment included additional hours for delineating the ordinary high-water mark, joint removal-fill permit application, and preliminary engineering tasks.

Amendment #4 to the ESA professional services contract covered additional tasks for ESA to prepare responses to regulatory agencies, specifically the Oregon Department of State Lands (DSL) and the US Army Corps of Engineers (USACE). This involved preparing a more comprehensive alternatives analysis and a robust Best Professional Judgment functions and values assessment.

The proposed Amendment #5 to the ESA professional services covers the final phase of design for the improvements at Miller's Landing Park. ESA will provide professional services through final design development, city of Bend permitting, and bidding for river access improvements at Miller's Landing. The scope includes project management, preparation of the Site Improvement Permit (SIMP), development of final design plans and specifications, and bid phase support. Subconsultants CEA Consulting Engineers and Walker Structural Engineering will handle the final electrical and structural engineering services, respectively. The work is scheduled to begin in July 2024, with bid documents ready by early September 2024.

BUDGETARY IMPACT

The current funding allocation for the McKay, Miller's Landing and Columbia Parks River Access Project in the 2025-2029 Capital Improvement Plan is \$569,470 in property tax revenue and alternative funding sources. The current contracted amount for design services is \$414,696, with a remaining design contingency of \$470.

The cost for amendment #5 is \$65,000, bringing the total contracted amount for design services to \$479,696. With the current remaining design contingency of \$470, plus an additional a 10% design contingency for amendment #2 of \$6,500, the total board approved design budget will now be \$486,666.

STAFF RECOMMENDATION

Staff recommends that the board approve contract amendment #5 with ESA, including the additional 10% contingency to complete the final design phase of this project at Miller's Landing Park.

MOTION

I move to authorize the executive director to negotiate and execute amendment #5 to the contract with Environmental Science Associates for the McKay, Miller's Landing and Columbia Parks River Access Project in an amount not to exceed \$65,000 and to approve an additional contingency amount of \$6,500, for a revised total design budget not to exceed \$486,666.

ATTACHMENTS

None



PLANNING & DEVELOPMENT PROJECT UPDATES July 2024

COMMUNITY AND REGIONAL PARK PROJECTS



Sawyer Park Entrance and Parking Lot Upgrades: The building and engineering permit sets are in progress and will be submitted this month. The Land and Water Conservation Fund Grant is being submitted for federal award with special conditions while the cultural and historic resource mitigation coordination is finalized.



Pine Nursery Park Phase 5: The design development set (30%) is being reviewed by staff this month and the planning review application with the City of Bend is in progress.



Bend White Water Park Maintenance and McKay Park River Access Project: The engineering analysis to look at the current functionality of the existing park features is complete, and the results were presented to staff in May. These results will be documented and presented to the district in the form of a report to help inform recommendations for potential corrections and needed maintenance.



Miller's Landing Park River Access Project: The preferred concept design for this access project includes improved river access for boaters and river users with mobility restrictions. The plan also includes a hardened access point at the far down stream end of the park for swimming, wading, and slow water recreation. This project, which is currently working its way through the local, state and federal permitting processes is proposed to begin construction in winter 2024/2025 and be completed by summer 2025.

NEIGHBORHOOD PARK PROJECTS



Manzanita Ridge: The land use decision is complete and the building and engineering permit applications were submitted in June. Work continues on the 95% CD set.



Little Fawn Park: The construction of Little Fawn Park continues. Main features of the park are coming into view with the hardscape and concrete being installed. The play pods, plaza and basketball court are poured, and right of way work is still ongoing. Park completion is expected this fall of 2024.



Hollinshead Park ADA and Preferred Concept Design: A public Open House was held on May 20th and staff continues review of the comments and input by members of the community. Staff has received 30% design drawings and cost estimates for review. Initial designs and project updates are proposed to be brought before the board of directors in July.

FACILITY PROJECTS



Art Station: Conceptual design is in process, working toward a preferred concept and preliminary cost estimates. Utility needs and site improvements are also being assessed to determine project scope. The board will receive an update in a board meeting in July.



Park Services Complex: Drawing bases are being prepared and the initial programming matrix is complete. It is being reviewed by staff and will be used as the basis for additional program development this summer.

TRAIL PROJECTS



North Unit Canal Trail: Flagline Engineering has completed 60% design plans. The district recently received the Row of Way permit from the City of Bend for construction of the Brinson Road crossing and are preparing to release an RFP for bids for construction. The district has also finalized valuation of the needed easements for the trail and is in the process of formulating offers.



Manzanita Trail: The district is working with Pahlisch Homes to acquire the final easements necessary to complete the Manzanita Trail between Discovery Park and Shevlin Park. Pahlisch recently completed rough grading for a portion of the trail that will be completed by district staff and have begun paving the sections of the trail they are constructing. The district will also acquire a 3.44 acre piece of property adjacent to Discovery Park that the trail will pass through. Construction of a portion of the remaining trail will begin this Fall and the trail is planned to be fully constructed by Spring of 2025.



Riverfront Street Deschutes River Trail Improvements: The first public meeting for the Riverfront Street project was held on April 18th at the District Office. About 30 people attended and staff received positive initial feedback for the project. The City also hosted a survey on their project website to gather feedback from the public, and their consultants will now begin work on the design alternatives for the project.



Discovery Park/Outback Trail Connections: The district's trail crew has completed the first two of five planned neighborhood trail connections from the Outback Trail in Discovery Park. These natural surface trails provide critical links between the Discovery West neighborhood, the Outback Trail, and nearby schools. The district will continue to building these new neighborhood trail connections throughout 2024.

RIVER PROJECTS



McKay, Miller's Landing and Columbia Parks River Access Project: Construction level drawings at all access locations have progressed to 90% complete, and land use permit applications for Miller's Landing have been submitted. Staff applied for additional grant funding from the Oregon State Marine Board's (OSMB) Waterway Access Grant program in December to help fund construction at Miller's Landing, and was notified in June that the application was successful. The district was awarded a \$300,000 grant from the Visit Bend's Bend Sustainability Fund (BSF) to help fund Miller's Landing. In addition to the OSMB grant application for Miller's Landing, staff has also applied to the Local Government Grant Program (LGGP) for Miller's landing, as well as an application to the Land and Water Conservation Fund (LWCF) for improvements at Columbia Park which was awarded in April.

OTHER PROJECTS AND FUTURE DEVELOPMENT



Rose Property Land Acquisition: The findings from the soil assessment were positive with very little high value soils present on the site. Staff is continuing to put together the necessary materials for the zone change application which is anticipated to be submitted to the County in late June or early July. The zone change proposal will be to change the western tax lot from Surface Mining and Exclusive Farm Use to Rural Residential, which supports more park and recreation-type uses.



Discovery Park Art Corridor: After the district approved the installation of up to four art pieces along the Outback Trail in Discovery Park, Brooks Resources applied for and received a \$100,000 grant from Visit Bend's Sustainability Fund for the installation of three art pieces. District staff is currently working with Brooks Resources on final designs for three art pieces, a labyrinth and two sculptures, that will be installed beginning this summer.



Park Search Area Planning: District planners regularly work with local developers or private property owners to acquire property for new parks and trails in district Park Search Areas as defined by the 2018 Comprehensive Plan.

- *Staff continues working with Epic Land Solutions to acquire land in other priority park search areas, not associated with development.*



SDC Waivers for Affordable Housing: Park SDC waivers for 583 units have been approved through coordination with the City of Bend's Affordable Housing Committee at a cost to the district of about \$3.75 million in waived SDC fees. Following the board approval of an additional 75 waivers for 2024, a remaining 26 waivers are available through the end of the year. Staff and legal counsel have completed the necessary deed restriction documents for 15 of the developments, totaling 426 units. In addition, BPRD has approved SDC waivers for three temporary shelter projects, totaling 32 units.



Comprehensive Plan Update: The 2018 Comprehensive Plan requires a mid-term update, which began with a community needs assessment survey in early October. Staff is working on a draft of the updated plan with the intention of presenting it to the board in early fall.



Strategic Plan Update: The 2019 Strategic Plan sunsets this year, so staff kicked off an update of the Strategic Plan in January. Staff is currently in the outreach phase, which includes an all-employee survey, focus groups with the leadership and executive teams, and workshops with the board of directors. This phase will continue through July of this year.



Diversity, Equity and Inclusion (DEI) Initiative: The DEI committee continues to participate in the strategic plan review and update. In June, they provided updates at multiple recreation staff trainings and participated in several outreach events, including The Seeds of Discovery (in partnership with The Museum at Warm Springs and The High Desert Museum), the Larkspur Health Fair and the Juneteenth Celebration in Drake Park. This month they will be providing staff training as part of the Supervisor Development Initiative.

**Board Calendar
2024-2025**

**This working calendar of goals/projects is intended as a guide for the board and subject to change.*

JULY 16

PHOTOS

SAFETY PROCEDURES REVIEW

STAFF INTRODUCTIONS

Sasha Sulia

- Erinn Shaw, Administrative Assistant Park Services

Julie Brown

- Joel Lee, Park Stewards Manager

WORK SESSION

- Presentation on the history of the South UGB Bridge – *Henry Stroud (60 min)*

BUSINESS SESSION

- Approve initial design drawings for Hollinshead Park – *Ian Isaacson (20 min)*

AUGUST 6-Canceled

AUGUST 20-Canceled

SEPTEMBER 3

STAFF INTRODUCTIONS

Becky Rexford

- Peter Darquea, Sports Program Supervisor
- Josh Motenko, Sports Program Supervisor
- Bailey Adams, Sports Program Supervisor

Sue Glenn

- Paul Reinhardt, Larkspur/BSC Supervisor

WORK SESSION

- Trail Counter Program – *Zara Hickman and Andy Sommerville (20 min)*
- Draft Strategic Plan – *Rachel Colton (45 min)*
- Comprehensive Plan Draft Review (30 min) – *Sara Anselment*
- Consider proposed Lease Amendment with Boys and Girls Club – *Kristin Toney (30min) tentative*

CONSENT AGENDA

- Approve Lease Amendment with Boys and Girls Club – *Kristin Toney*

BUSINESS SESSION

SEPTEMBER 17

STAFF RECOGNITION

Don Horton, Theresa Albert

STAFF INTRODUCTIONS

Zara Hickman

- Rob Fox, PM2 Natural Resources
- Alan Vigent, PM1 Trails

WORK SESSION

CONSENT AGENDA

- Drake Park bank and trail improvement CMGC contract review – *Brian Hudspeth*

BUSINESS SESSION

- Codify personnel policies – *Theresa Albert (15 min)*

Future Topics

SDC Waivers

Park Services Report: Hardsurface Program – *Alan Adams and Jason Monaghan (15 min)*

Website Update/Data Sharing – *Julie Brown*

IGA with NUID for canal trail – *Henry Stroud*

Approve SE Neighborhood Park Purchase and Sale Agreement – *Henry Stroud (20 min)*

DEI Update – *Bronwen Mastro*

Approve Exclusion Policy – *TBD (30 min)*

Comprehensive Plan Adoption – *Sara Anselment*

SDC Project List Update – *Sara Anselment and Kristin Toney*

Approve IGA with the City of Bend for Transportation Fee – *Kristin Toney (10 min)*