

PASSED

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY
STATE OF OREGON

ORDER NO.

04-1-7-10

(IN THE MATTER OF RELINQUISH-
MENT OF COUNTY-OWNED ROAD
(FUND PROPERTY TO THE CITY OF
EUGENE UNDER ORS 271.330 IN
CONNECTION WITH THE IMPROV-
MENT OF GARDEN WAY.

WHEREAS, The City of Eugene plans to improve Garden Way from Martin Luther King Jr. Boulevard to Sisters View Avenue. This project has been identified in the City of Eugene FY98-FY03 Capital Improvement Program (CIP) adopted by the City of Eugene Council on February 26, 1997, and in the FY98 Capital Budget; **AND**

WHEREAS, On November 12, 2002, Eugene City Council approved the design and authorized City staff to proceed with right of way acquisition and bidding for the proposed needed improvements to Garden Way; **AND**

WHEREAS, On October 2, 2003, Lane County Boundary Commission held a public hearing on the annexation of the existing and proposed Garden Way right of way. The Boundary Commission took no action due to the lack of having a quorum. Therefore, automatic approval of the annexation became effective December 1, 2003 (90 days from application submittal). The City Council has requested surrender of the County right of way following the annexation; **AND**

WHEREAS, On May 2, 1978, Lane County acquired a strip of land adjacent to the easterly right of way line of Garden Way for construction of a bicycle path. This strip of land has not been accepted into the Legal County Road system so therefore it will not be included in the surrender;

NOW THEREFORE BE IT ORDERED, that Lane County relinquish said real property as shown on Exhibit "A" to the City of Eugene pursuant to ORS 271.330; **AND**

IT IS FURTHER ORDERED that the County Commissioners sign the Quitclaim Deed needed to convey the County's interest in said land to the City of Eugene.

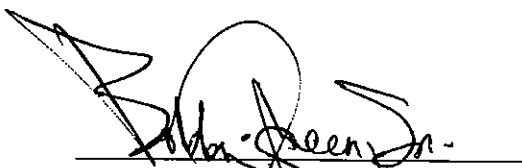
IT IS FURTHER ORDERED that this order be entered into the records of the Board of County Commissioner's Journal of Administration of Lane County, Oregon.

Dated this 7th day of January, 2004.

APPROVED AS TO FORM

Date 12-23-03 lane county


OFFICE OF LEGAL COUNSEL


Chair,
Lane County Board of Commissioners

After Recording Return to, and
Send Tax Statements to:
City of Eugene – Public Works/Engineering
858 Pearl Street
Eugene, Oregon 97401
Attn: Russ Royer

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

QUITCLAIM DEED

LANE COUNTY, a political subdivision of the State of Oregon, hereinafter called **GRANTOR**, for the true and actual consideration of 0 dollars, does hereby release and quitclaim to the **CITY OF EUGENE**, a municipal corporation of the State of Oregon, all its rights, title and interest in that real property situated in Lane County, State of Oregon, described as follows:

A parcel of land lying in the Southeast one-quarter (SE ¼) of Section 28, Township 17 South, Range 3 West of the Willamette Meridian, Lane County, Oregon, and being all of that tract of land conveyed to **LANE COUNTY**, a political subdivision of the State of Oregon, by that certain deed recorded May 2, 1978, on Reel 907, Recorder's Reception Number 7829639, **LANE COUNTY OREGON DEED RECORDS**.

City, by acceptance of this grant, hereby declares and otherwise agrees that City shall indemnify, hold harmless and defend the County, its officials, agents and employees, from and against any and all claims, damages, losses, and expenses, including attorney's fees, arising in and from City acceptance and use of the subject property, unless such claims, damages, or losses are caused by grantor's negligent or intentional act(s).

This grant is conditioned upon the herein conveyed parcel being used for not less than 20 years by a governmental body in the State of Oregon. Should this property not be used in conformance with public purposes, the interest of the recipient shall automatically terminate and ownership shall revert to Lane County.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING INTEREST TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN O.R.S. 30.930.

SEE MAP

Subject

NO. 15

17 03 28 41

1102

1101

102

1129.67'

1101

100

01

2100

2200

100

2103

100

PLAT

004-04

1406
19.81 AC.

2000

1900

1407

1.34 AC.

S. 33864

1800

103

Subject

NO. 94-P0521

PCL 1

COUNTY

ROAD NO. 388

As-Tax Lotted on
Map 17 03 33 1 2
L.C. 18793070-3641
P. 400

April 2008 of
SE-Cor. D.C. No 57

MARTIN LUTHER KING JR. BLVD.
(FORMERLY CENTENNIAL BLVD.)

EXHIBIT A

