

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 22-10-18-02

IN THE MATTER OF AUTHORIZING THE
RELINQUISHMENT OF REAL PROPERTY
FOR PUBLIC PURPOSES UNDER ORS 271.330
TO THE CITY OF EUGENE, IDENTIFIED AS
THE SOUTH PORTION OF MAXWELL
CONNECTOR, MAP AND TAX LOT NO.
17-04-15-41-02400.

WHEREAS, the Lane County Board of Commissioners deem it in the best interest of Lane County to sell the following excess Lane County real property, to wit:

A parcel of land lying in the James E. McCabe Donation Land Claim No. 46, in the Southeast quarter of Section 15, Township 17 South, Range 4 West, Willamette Meridian, Lane County, Oregon, and being a portion of that property described in that deed to Lane County, a political subdivision of the State of Oregon and recorded on May 10, 1963, Reel No. 218-D, Clerk's Filing No 10072 of Lane County Record of Deeds. Said parcel being a portion of said property described as follows:

Beginning at a point on the southerly margin of the proposed Maxwell Connector, 40.00 feet right and perpendicular to Engineer's Center Line Station L2 1+25.00, as platted in County Survey File No. 30026; thence along the right margin parallel with and a distance of 40.00 feet, measured at right angles, from to the L2 centerline of said proposed Maxwell Connector, North 76° 16' 55" East, 326.96 feet; thence along a curve to the left having a radius of 560.87 feet, and through a central angle of 23° 21' 06" (the chord bears N 64°36'22" E, for a chord distance of 277.01 feet) a distance of 228.59; thence leaving said margin, South 1° 39' 30" West, 252.56 feet to the northern boundary of Parcel 3 of Land Partition Plat No. 98-P1200, a replat of Lot 35, Fruitvale, First Addition, as recorded in Lane County Oregon Records; thence along said Parcel 3, South 87° 57' 47" East, 513.75 feet to the easterly margin of Northwest Expressway, County Road Number 1772; thence along said easterly margin of Northwest Expressway, North 1° 49' 12" West, 59.37 to the place of beginning, containing 1.64 acres, more or less, all in Lane County, Oregon.

WHEREAS, said property was acquired in 1963 by purchase and is part of the County road system; and

WHEREAS, an offer was received by the City of Eugene to relinquish the property; and

WHEREAS, Lane County Staff has determined the County owned real property as described in the Order is not needed for public purposes, and the public interest will be furthered by relinquishing the property to the City of Eugene; and

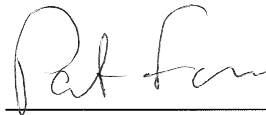
WHEREAS, ORS 271.330 allows the relinquishment of real property owned by a political subdivision to any government body, providing the property is used for not less than 20 years for a public purpose by the governmental body in the State of Oregon, without consideration.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

1. The offer from City of Eugene to relinquish the County owned property is hereby accepted and approved.
2. The Board Chair is authorized to sign the Bargain and Sale Deed.
3. Lane County Right of Way Services is instructed to close the transaction and record the Bargain and Sale Deed.

IT IS FURTHER ORDERED this Order shall be entered into the records of the Board of Commissioners of the County.

ADOPTED this 22nd day of October, 2022.

A handwritten signature in cursive script, appearing to read "Pat Farr", is written above a horizontal line.

Pat Farr, Chair
Lane County Board of Commissioners

EXHIBIT A

RELINQUISHMENT OF LANE COUNTY OWNED REAL PROPERTY

Name of Offeror (print): City of Eugene
(As wanted to appear on Deed)

Address of Offeror: Parks and Open Space, Building 1,
1820 Roosevelt Blvd, Eugene Oregon 97401

Relinquishment of Lane County owned real property described as follows, to wit:

Assessor's Map and Tax Lot 17-04-15-41 portion of tax lot 2400 - south of the Maxwell Connector.

Amount of Offer & Closing Costs

Amount of Offer:	\$0.00
Deposit:	<u>\$0.00</u>
Remaining Amount of Offer	<u>\$0.00</u>
Closing Costs:	
Escrow Fee	\$250.00
Owner's Title Insurance Policy	\$200.00
GSF (Government Service Fee)	\$10.00
Recording Fee	\$107.00
All Closing Costs to be paid by: City of Eugene	
Final Balance Due upon Acceptance:	<u>\$567.00</u>

The undersigned has offered and agrees to the terms set forth in the "Terms of Relinquishment", which are incorporated herein by reference and made a part hereof and agrees to pay Lane County in cash the sum indicated above as the "Amount of Offer" and all "Closing costs".

In the event the offeror fails to pay the balance, all rights of the offeror in said real property shall cease, and interest in said real property shall continue to remain vested in Lane County, free of any claims or equity in the undersigned offeror or those claiming through him/her.

I hereby agree to purchase the above property and to pay the price of \$ 0.00 as specified above. All closing costs to be paid by offeror.


Craig Carnagey (Sep 13, 2022 11:45:00)

Signature of Offeror

Parks and Open Space, Building 1
1820 Roosevelt Blvd
Eugene, Oregon 97421
Address of Offeror

09/13/2022

Date

Craig Carnagey

Parks and Open Space Division Manager
Print Name and Title of Offeror

(541) 682-4930

Phone:

CCarnagey@eugene-or.gov

Email

TERMS OF RELINQUISHMENT

This offer must go through a Board Order through the Lane County Board of Commissioner's. Only the Lane County Board of Commissioner can legally accept offers on behalf of Lane County. The Offeror will obtain the "certificate of taxes paid" from Lane County Assessment and Taxation and will record the Deed and pay all associated fees.

This property is sold on an "as is, where is, with all faults" basis. Lane County shall convey only such right, title and interest in said real property as is now vested in Lane County. Conveyance will be made by **Bargain and Sale Deed**. No warranty or guarantee, expressed or implied, is made regarding condition of title (encumbrances, liens, easements, etc.), ability to use a property for any particular purpose pursuant to Oregon land use law, existence of legal access, location of property boundaries or any other matter concerning a property. Title insurance shall be at the expense of the Buyer it is recommended that the offeror secures a preliminary title report and thoroughly investigates a property prior to purchasing it from Lane County.

The relinquishment of this property is subject to Lane County Board of Commissioner's approval.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THE PROPERTY DESCRIBED IN THIS INSTRUMENT IS SUBJECT TO SPECIAL ASSESSMENT UNDER ORS 358.505

Further

The sale will be a "Bargain and Sale" deed and will include title insurance and will be subject to a culvert easement. Also, a 20-year reversionary clause for a non-public purpose will be placed on the Relinquishment Deed.

After recording return to,
and send tax statements to:

City of Eugene
Parks and Open Space, Building 1
1820 Roosevelt Blvd.
Eugene, OR 97401
Attn: Craig Carnagey

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

BARGAIN AND SALE DEED

Lane County, a political subdivision of the State of Oregon, pursuant to Order No. 22-10-18-02 of the Board of County Commissioners of Lane County, hereinafter called Grantor, for the true and actual consideration of **\$0** Dollars, conveys to **City of Eugene**, a municipal corporation of the State of Oregon, hereinafter called Grantee, all that real property situated in Lane County, State of Oregon, described as follows:

(See Attachments A and B)

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

Subject to existing right of way, assessments, easements, restrictions, and reservation of record, if any.

Conveyance of this land is conditioned upon its use for public uses for a period of not less than twenty (20) years from the date of conveyance.

The Grantor reserves to itself a drainage easement for the purpose of maintaining an existing culvert.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010,

TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the undersigned have executed this instrument this 18th day of October, 2022.

Pat Farr, Chair
Lane County Board of Commissioners

STATE OF OREGON)
) ss.
County of Lane)

On _____, 2022, personally appeared Pat Farr, Chair, Lane County Board of Commissioners who, duly being sworn, did say that he is member of the Board of Commissioners of Lane County, Oregon and that said instrument was signed and sealed in behalf of Lane County by authority of its Board of Commissioners; and they acknowledged said instrument to be its voluntary act and deed. Before me:

Notary Public for Oregon

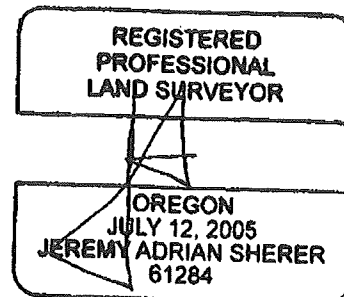
My Commission Expires: _____

This conveyance is accepted and approved
for recording on behalf of the City of Eugene
pursuant to ORS 93.808.

**ATTACHMENT A
OF BARGAIN AND SALE DEED**

A parcel of land lying in the James E. McCabe Donation Land Claim No. 46, in the Southeast quarter of Section 15, Township 17 South, Range 4 West, Willamette Meridian, Lane County, Oregon, and being a portion of that property described in that deed to Lane County, a political subdivision of the State of Oregon and recorded on May 10, 1963, Reel No. 218-D, Clerk's Filing No 10072 of Lane County Record of Deeds. Said parcel being a portion of said property described as follows:

Beginning at a point on the southerly margin of the proposed Maxwell Connector, 40.00 feet right and perpendicular to Engineer's Center Line Station L2 1 +25.00, as platted in County Survey File No. 30026; thence along the right margin parallel with and a distance of 40.00 feet, measured at right angles, from to the L2 centerline of said proposed Maxwell Connector, North 76° 16' 55" East, 326.96 feet; thence along a curve to the left having a radius of 560.87 feet, and through a central angle of 23° 21' 06" (the chord bears N 64° 36' 22" E, for a chord distance of 277.01 feet) a distance of 228.59; thence leaving said margin, South 1° 39' 30" West, 252.56 feet to the northern boundary of Parcel 3 of Land Partition Plat No. 98-P1200, a replat of Lot 35, Fruitvale, First Addition, as recorded in Lane County Oregon Records; thence along said Parcel 3, South 87° 57' 47" East, 513.75 feet to the easterly margin of Northwest Expressway, County Road Number 1772; thence along said easterly margin of Northwest Expressway, North 1° 49' 12" West, 59.37 to the place of beginning, containing 1.64 acres, more or less, all in Lane County, Oregon.



RENEWS: 6/30/2024

ATTACHMENT B
OF BARGAIN AND SALE DEED

SECTION 15, T.17.S., R.4W., WM
LANE COUNTY, OREGON

LANE COUNTY OWNED
PARCEL 3
WARRANTY DEED
REEL 218-D, CLERKS FILING NO. 10070

L2 4+51.96 PC. 55'

MAXWELL CONNECTOR

40'

LOT B
PENNINGTON ACRES

RELINQUISHMENT AREA
1.64 ACRES +/-

L2 1+25.40'
L 312+00.100'

CITY OF EUGENE
PARCEL 3
LAND PARTITION PLAT
98-P1200
(A REPLAT OF LOT 35, FIRST ADD. FRUITVALE)

COUNTY ROAD NUMBER 1772
NORTHWEST EXPRESSWAY



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 2005
JEREMY ADRIAN SHERER
61284

RENEWES: 6/30/2024

LANE COUNTY ENGINEERING
AND CONSTRUCTION SERVICES
3040 NORTH DELTA
EUGENE, OR 97408