

W. 8. b.
03-9-10-4

AGENDA COVER MEMO

DATE: August 13, 2003

TO: Lane County Board of Commissioners

DEPT: Public Works

PRESENTED BY: Frank Simas
Right of Way Manager

AGENDA ITEM TITLE: In the Matter of Granting a Permanent Easement to
the State of Oregon on County Owned Land.

I. MOTION

THAT THE RESOLUTION AND ORDER BE ADOPTED CONVEYING PERMANENT EASEMENT TO THE STATE OF OREGON ON A PARCEL OF COUNTY OWNED LAND (TAX LOT 17-03-33-44 300).

II. ISSUE OR PROBLEM

The State of Oregon has requested an easement across 0.64 acres (27,878 square feet) along the western edge of the Lane County Waste Management Facility in Glenwood. The State has offered to pay the County a consideration of \$3,000.00 for the easement.

III. DISCUSSION

A. Background

The Oregon Department of Transportation (ODOT) will be reconstructing the I-5 bridge over the Willamette River during the next several years and they require an easement over a portion of the County's Glenwood Transfer Station Site to accommodate a by-pass bridge.

B. Analysis

The easement area is over the westerly 100 feet of the County property. The area is unimproved, lies outside the fenced boundary of the Transfer Station, and is located entirely within an existing power line easement to Pacific Power and Light dating from 1962.

The land covered by the easement is not need for County use now or in the foreseeable future. Right of Way Management staff have reviewed the offer and determined that \$3,000.00 is reasonable compensation.

C. Alternative/Option

The Board has the right to accept or reject the granting of this easement.

D. Recommendation

It is recommended that the Board approve this Resolution and Order, and authorize the execution of the attached Permanent Easement.

IV. IMPLEMENTATION/FOLLOW-UP

Upon approval, Public Works staff will transmit the signed document to ODOT for recording and will deposit the proceeds from the sale into the Solid Waste Management Fund.

V. ATTACHMENTS

Easement

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

RESOLUTION AND ORDER NO.

(IN THE MATTER OF GRANTING A
(PERMANENT EASEMENT TO THE
(STATE OF OREGON ON COUNTY
(OWNED LAND.

THIS MATTER now coming before the Board of County Commissioners of Lane County, and the Board determining it is necessary and in the public's interest to grant a Permanent Easement to the State of Oregon, by and through the Oregon Department of Transportation (ODOT) to serve the needs of the public and in connection with the replacement of the Interstate 5 Bridge over the Willamette River.

WHEREAS, ODOT needs an easement on a portion of County owned land that is used as the Glenwood Waste Management Transfer Station and is identified as Tax Lot 17-03-33-44 300; and

WHEREAS, State of Oregon in connection with the replacement of the Interstate 5 Bridge over the Willamette River, has agreed to pay the County \$3,000.00 for the easement; and

WHEREAS, such transactions are permitted pursuant to ORS 275.070; and


WHEREAS, the Board finds it in the best interest of the County to transfer the easement; **NOW THEREFORE**,

IT IS HEREBY RESOLVED AND ORDERED that the Board authorizes the execution of the easement in favor of State of Oregon.

DATED this _____ day of _____, 20_____.

Peter Sorenson, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 8-29-2003 Lane county

OFFICE OF LEGAL COUNSEL

PERMANENT EASEMENT

LANE COUNTY, a political subdivision of the State of Oregon, Grantor, for the true and actual consideration of **\$ 3,000.00**, does grant to the **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION**, Grantee, its successors and assigns, a permanent easement to construct, reconstruct, repair, and maintain a public highway and its appurtenances and facilities, and also to construct and maintain water, gas, electric and communication service lines, fixtures and facilities, and appurtenances therefore, upon, over, under and across the property described on **Exhibit "A"** dated **5/06/2003** attached hereto and by this reference made a part hereof.

TOGETHER WITH all abutter's rights of access between the above-described parcel and Grantor's remaining real property.

Grantor covenants to and with Grantee, its successors and assigns, that Grantor is the owner of said property, and will warrant the easement rights herein granted from all lawful claims whatsoever.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

RETURN TO AND TAX STATEMENT TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL STREET NE, ROOM 420
SALEM OR 97301-3871

Account No.: 17-03-33-4-4-300, 0295780

Property Address: 3100 E. 17th Avenue
Eugene, OR 97402

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this _____ day of _____, 20_____.

LANE COUNTY, a political subdivision of the State of Oregon

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

STATE OF OREGON)
)
County of Lane) ss.

On _____, 20_____, personally appeared _____

who, duly being sworn, did say that they are members 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: _____

Accepted on behalf of the Oregon Department of Transportation

Permanent Easement for Highway Right of Way Purposes

A parcel of land lying in the Zara Sweet D.L.C. No. 68, Township 17 South, Range 3 West, W.M., Lane County, Oregon and being a portion of that property described in that Warranty Deed to Lane County, recorded August 6, 1976 on Reel 806R, Instrument No. 7640388 of Lane County Official Records; the said parcel being that portion of said property included in a strip of land variable in width lying on the Easterly side of the center line of the Pacific Highway which center line is described as follows:

Beginning at Engineer's center line Station 563+00, said Station being 613.5 feet South and 494.6 feet East of the Southeast corner of the M. H. Harlow D.L.C. No. 57, Township 17 South, Range 3 West, W.M.; thence South 1° 53' 30" West 2,515.62 feet; thence on a spiral curve left (the long chord of which bears South 0° 33' 30" West 399.92 feet) 400 feet; thence on a 2,864.79 foot radius curve left (the long chord of which bears South 9° 18' 06" East 717.44 feet) 719.31 feet; thence on a spiral curve left (the long chord of which bears South 19° 09' 42" East 399.92 feet) 400 feet; thence South 20° 29' 40" East 15.13 feet to Engineer's Station 603+50.06.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Easterly Side of Center Line
590+00		592+15.62	235 in a straight line to 223.30
592+15.62		596+30	223.30 in a straight line to 180

Bearings are based on an Oregon Department of Transportation survey. See Drawing No. 8B-2-15, dated June, 1956.

This parcel of land contains 0.64 acre, more or less.