

W. G. C.

IN THE BOARD OF COMMISSIONERS OF LANE COUNTY
STATE OF OREGON

ORDER NO. 07-6-20-6

) IN THE MATTER OF AUTHORIZING THE COUNTY
) ADMINISTRATOR TO EXECUTE AN
) INTERGOVERNMENTAL AGREEMENT WITH THE CITY
) OF EUGENE FOR PURCHASE OPTION FOR EXPLORING
) POTENTIAL COOPERATIVE DEVELOPMENT OF THE
) GOLDEN GARDENS PROPERTIES

WHEREAS, ORS 190.010 and the Lane County Charter provide that units of local governments may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents, have authority to perform; and

WHEREAS, the City of Eugene has been interested in acquiring a portion of the property currently owned by Ray Babb and Charlie Van Dyne, which totals approximately 220 acres as generally described and depicted in the attached Exhibit "A" incorporated here by this reference, said property hereinafter referred to as the Golden Gardens parcel; and

WHEREAS, Lane County is interested in investigating the acquisition and development of a portion of the Golden Gardens parcel; and

WHEREAS, due to the passage of a parks ballot measure, the City of Eugene is able to acquire the entire Golden Gardens parcel at this time and is interested in working cooperatively with Lane County during that investigation and in the event the County determines it is interested in developing or acquiring a portion of this property in the near future; **NOW THEREFORE, BE IT**

ORDERED, that the Board of Commissioners approve an intergovernmental agreement with the City of Eugene for a purchase option to explore the potential for cooperative development of the Golden Gardens properties and the County Administrator is authorized to execute an agreement in substantially the form attached as Exhibit "A" and incorporated here.

DATED this 20th day of June, 2007.

Faye Stewart, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 6-15-2007 Lane County

OFFICE OF LEGAL COUNSEL

DRAFT

**INTERGOVERNMENTAL AGREEMENT
PURCHASE OPTION FOR EXPLORING POTENTIAL
COOPERATIVE DEVELOPMENT OF THE GOLDEN GARDENS PROPERTIES**

THIS AGREEMENT is entered into by and between Lane County, a political subdivision of the State of Oregon, hereinafter referred to as "County," and the City of Eugene, a municipal corporation, hereinafter referred to as "Eugene."

RECITALS:

- A. WHEREAS, ORS 190.010 and the Lane County and Eugene Charters provide that units of local governments may enter into agreements for the performance of any or all functions and activities that a party to the agreement, its officers or agents, have authority to perform;
- B. WHEREAS, Eugene has been interested in acquiring a portion of the property currently owned by Ray Babb and Charlie Van Dyne, which totals approximately 220 acres as generally depicted on the attached Exhibit "A" incorporated here by this reference, said property hereinafter referred to as the Golden Gardens parcel;
- C. WHEREAS, County is interested in investigating (1) the potential development of a portion of this property as a possible replacement of the Lane County Fairgrounds property, and (2) the potential rezoning and sale of the existing Lane County Fairgrounds in order to fund the acquisition and development of the portion of the Golden Gardens parcel;
- D. WHEREAS, due to the passage of a parks ballot measure, Eugene is able to acquire the entire Golden Gardens parcel at this time;

- E. WHEREAS, Eugene is interested in working cooperatively with County in the event that the County determines it is interested in developing or acquiring a portion of this property in the near future, although any sale to County of that portion will need to be approved by the Eugene City Council;
- F. WHEREAS, before County will be able to determine if it wishes to purchase or be involved in the development of a portion of this property, it must go through a significant number of due diligent steps; and
- G. WHEREAS, Ray Babb and Charlie Van Dyne have indicated a strong preference that they are only interested in selling all their acreage,

NOW, THEREFORE THE PARTIES AGREE AS FOLLOWS:

EUGENE AGREES:

1. To attempt to acquire all the property commonly referred to as Golden Gardens.
2. To work cooperatively with County staff and its agents and contractors in their initiating the steps and timeline necessary for the County's due diligence to determine the feasibility of the site for County uses and the impacts its potential uses might have on Eugene's intended uses.
3. If Eugene and County determine cooperative development to be advantageous, and if County determines it wishes to acquire a portion of the Golden Gardens parcel mutually agreed upon by Eugene and County, then Eugene agrees to sell to that portion to County for the same per acre amount that City originally paid Ray Babb and Charlie Van Dyne.
4. Unless agreed in writing, this agreement expires two years from the date of execution of this agreement.

COUNTY AGREES:

5. To work cooperatively with Eugene and its agents and contractors in initiating the steps and timelines necessary for County's due diligence to determine the feasibility of the site for County uses and the impacts its potential uses might have on Eugene's intended uses.
6. Within two years to perform its necessary due diligence steps to determine whether it wishes to acquire a portion of Golden Gardens and to so inform Eugene.

BE IT FURTHER AGREED BY BOTH PARTIES:

7. That, as further information becomes available, both parties agree in good faith to work together and may from time to time amend this agreement by mutual consent as more facts are determined. To be effective, any amendment must be in writing and signed by both parties.
8. This agreement may be terminated by either party provided written notice is given to the other party at least thirty (30) days prior to the termination date.

CITY OF EUGENE

By: _____
Dennis M. Taylor, City Manager

Date: _____

LANE COUNTY

By: _____
William Van Vactor, County Administrator

Date: _____

Golden Gardens Park

Adjacent Property Owners

Golden Gardens Park boundary



Babb properties

Van Duyn properties



Caution: this map is based on imprecise source data, subject to change, and for general reference only.

City of Eugene
Parks & Open Space Div.
June 2007

0 300 600 Feet



CLEAR LAKE RD

Van Duyn

Van Duyn

Golden
Gardens
Park

Babb

Babb

JESSEN DR

Exhibit A