

W. 8.E. 3.

Memorandum Date: February 1, 2007

Order Date: March 14, 2007

TO: Board of County Commissioners

DEPARTMENT: Public Works

PRESENTED BY: Frank Simas, Right of Way Manager

AGENDA ITEM TITLE: In The Matter of Relinquishment of County-Owned Road Fund Property to the City of Eugene under ORS 271.330 in Connection with the Airport Road Realignment Project

I. MOTION

THAT THE ORDER BE APPROVED AUTHORIZING THE RELINQUISHMENT OF COUNTY-OWNED ROAD FUND PROPERTY TO THE CITY OF EUGENE IN CONNECTION WITH THE AIRPORT ROAD REALIGNMENT PROJECT.

II. AGENDA ITEM SUMMARY

By Order 05-3-30-16, the Board approved the Design Concept for the realignment of a portion of Airport Road, the intersection of Airport Road and Greenhill Road and short sections of Green Hill Road both north and south of Airport Road and authorized the County Administrator to sign an Intergovernmental Agreement (IGA) with the City of Eugene in connection with the project.

The new alignment constructed under this project is situated about 1000 feet to the south of the former alignment of Airport Road, between the easterly leg of Green Hill Road on the east and former Green Hill Road/Douglas Drive on the west. The objective of the realignment was to provide the necessary room for a new runway and required clear zone lying easterly of the main runway.

The IGA provides that the County will "Dedicate, alter or vacate County right of way to city or adjacent property owners as determined by the Board of Commissioners to accomplish the project and to create logical ownership and maintenance responsibilities following the project".

The construction of the project is now complete, and pursuant to the IGA, the City has requested that the County initiate vacation proceedings on a portion of the former alignment and relinquish a portion of the right of way for the former alignment.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The Airport Road realignment project was the second of two projects involving relocation of County roads that were necessary in connection with the construction of the new parallel runway that was constructed easterly of the main north/south runway at the Eugene Airport. The first project involved the realignment and relocation of a section of Green Hill Road north of former Airport Road to a location about 0.4 mile easterly; and the second project moved Airport road southerly of its former location to

accommodate the southerly Runway Protection Zone for the new runway. A map showing the general location and alignment of relocated Airport Road is included and marked as "Attachment 1". The portion of Airport Road from the intersection with Greenhill Road East to Greenhill Road/Douglas Drive was originally established as part of County Road No. 618 (Edward Quinn Road) in 1908, with a stated width of 40 feet. In 1944, and concurrent with the development of the Eugene Airport, the City of Eugene conveyed to Lane County "for road purposes" a strip of land 120 feet in width, the north line of which coincides with the north line of County Road No. 618, and the South line of which is situated 120 feet southerly of said north line. The conveyance was by Bargain and Sale Deed, but no formal acceptance on behalf of the County can be found.

Now that the construction of the Project is complete, the City is preparing to process the necessary dedications of portions to become County Road, and to request vacation of those portions of superseded County road abutting solely city ownership.

Because that portion of Airport Road between Green Hill Road-East and Green Hill Road/Douglas Drive was never accepted as a County Road, it is necessary to relinquish it to the city of Eugene by means of a Quitclaim Deed in addition to the city requesting its vacation.

Under ORS 271.330, any political subdivision is granted express power to relinquish the title to any of its property not needed for public use to a governmental body, provided that said real property shall continue to be used for a public purpose by the governmental body in the state of Oregon.

There are numerous public utilities located within the superseded County road and prior to the vacation proceedings, the City will dedicate a Public Utility Easement to preserve the right of the utility providers to maintain the existing utilities.

Relinquishment of the easement is in accordance with the terms of the IGA wherein the City agreed to pay the costs of constructing the new alignment and to acquire the necessary right of way, and to dedicate it as a County road.

B. Board Goals

This project addresses the County Goal of contributing to "appropriate community development in the area of transportation and telecommunications infrastructure, housing, growth management and land development."

C. Financial and/or Resource Considerations

This property is a Road fund asset, and the construction of the new road and dedication of the needed right of way fully reimburses the Road fund for the relinquishment of this easement.

E. Analysis

The relinquishment of this right of way is in accordance with the terms of the IGA and is

in the public interest. The vacations and dedications of the new right of way that were agreed to in the IGA will be coming before the Board as a subsequent Agenda item prepared by the County Surveyor.

F. Alternatives/Options

1. Approve relinquishment of the County-owned easement to City of Eugene to complete the transfer and authorize the execution of the Quitclaim Deed.
2. Deny the granting of relinquishment and retain the easement.

V. TIMING/IMPLEMENTATION

Public Works Staff will transmit the signed document to the City of Eugene for acceptance and recording.

VI. RECOMMENDATION

Option 1.

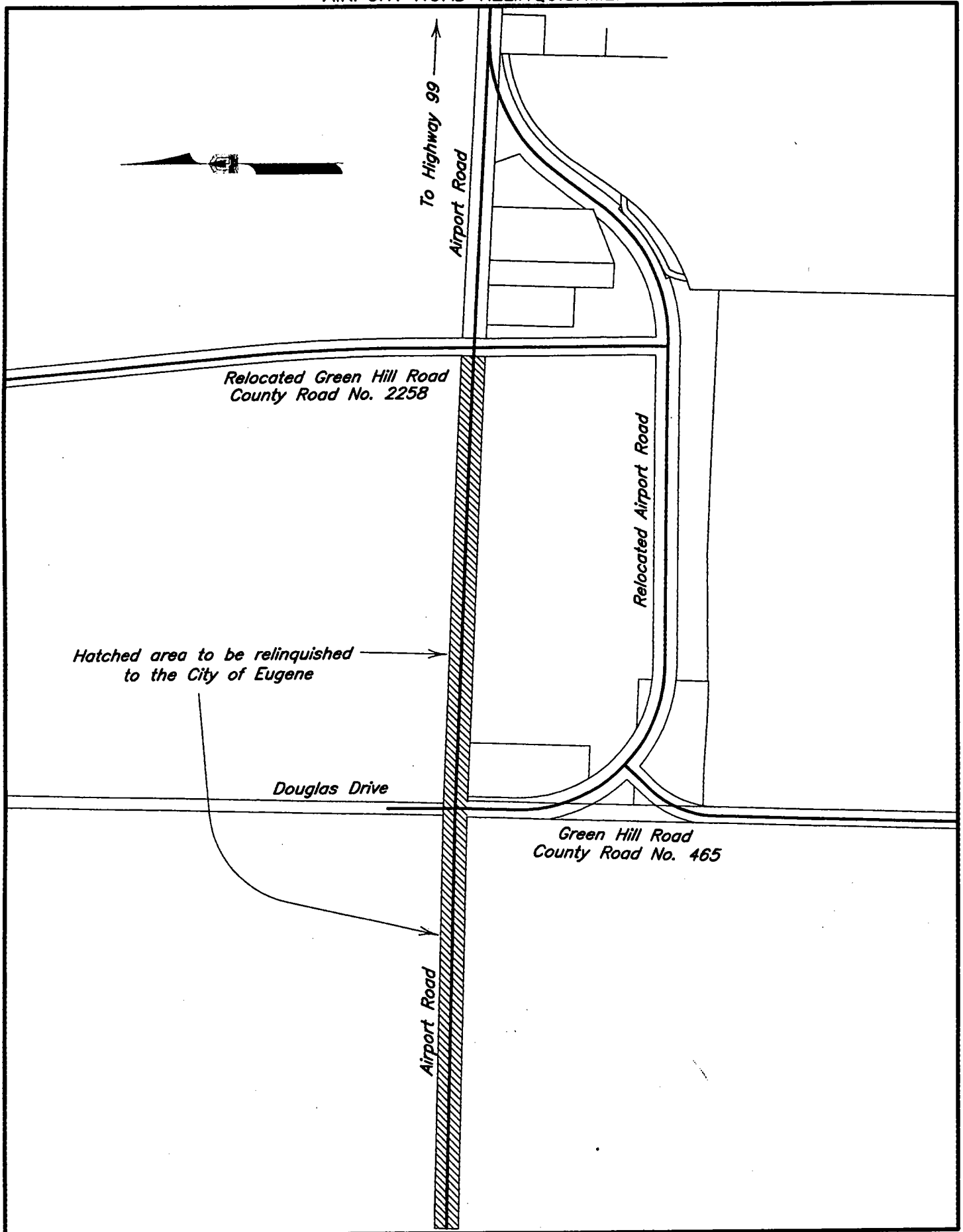
VII. FOLLOW-UP

N. A.

VII. ATTACHMENTS

Exhibit "A"
Quitclaim Deed

Exhibit "A"
AIRPORT ROAD RELINQUISHMENT



After Recording Return to:
City of Eugene,
Attn: Russ Royer
Send Tax Statements to:
City of Eugene
Finance Department
Eugene, OR 97401

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 **zero dollars**, does hereby release and quitclaim to **THE CITY OF EUGENE, an OREGON MUNICIPAL CORPORATION**, 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 Southwest one-quarter (SW ¼) of Section 5, the Southeast one-quarter (SE ¼) of Section 6, the Northeast one-quarter (NE ¼) of Section 7, and the Northwest one-quarter (NW ¼) of Section 8, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, and being a portion of that tract of land conveyed to **LANE COUNTY**, a political subdivision of the State of Oregon, by that certain deed recorded July 14, 1944, in Book 271, Pages 18 and 19, **LANE COUNTY OREGON DEED RECORDS**, lying westerly of the westerly right of way of the southerly extension of Green Hill Road (County Road Number 2258), being described as follows:

Beginning at Engineer's Centerline Station G 167+00.00 POT, said station being 89.53 feet North and 319.83 feet West of the Brass Cap marking the One-Quarter Corner common to Sections 5 and 8, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon; thence South 0°14'52" East, 764.95 feet to Engineers' Centerline station G 174+64.95 PC and there ending, all in Lane County, Oregon

The westerly right of way being described as follow:

STATION TO STATION

**WIDTH ON WEST'LY
SIDE OF C/LINE**

G 167+53.18 POT G 168+73.05 POT

39.37 ft tapering on a straight
line to 45.00 ft.

The parcel of land to which this description applies contains 12.02 acres, more or less.

The bearings used hereon are based on the Oregon Coordinate System (NAD 83/91) South Zone, with ties to Lane County Common Mapping (LCCM) stations 1254 and 1255.

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

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). 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 FEE 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.

IN WITNESS WHEREOF, the undersigned have executed this instrument this _____ day of _____, 20____.

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

STATE OF OREGON)
) ss.
County of Lane)

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: _____

Approved and accepted by City of Eugene, Oregon

Deputy City Recorder Date

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

ORDER NO.

**(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 AIRPORT
(ROAD REALIGNMENT PROJECT**

WHEREAS, by Order 05-3-30-16, the Board approved the Design Concept for the realignment of a portion of Airport Road and Greenhill Road in connection with the construction of the new parallel runway at the Eugene Airport, and authorized the County Administrator to sign an Intergovernmental Agreement (IGA) with the City of Eugene in connection with the project;
AND

WHEREAS, the IGA provides that the County will dedicate, alter or vacate County right of way to the City or adjacent property owners as determined by the Board to accomplish the project and to create logical ownership and maintenance responsibilities following the project;
AND

WHEREAS, the realignment project is now complete, and in connection with the vacation of a superseded portion of Airport Road, the City has requested that the County relinquish a road easement conveyed to Lane County by the City of Eugene in 1944; **AND**

WHEREAS, said road easement is not needed for public use by Lane County, and pursuant to ORS 271.330 any political subdivision is granted express power to relinquish the title to any of its property not needed for public use to a governmental body, provided that said real property shall continue to be used for a public purpose by the governmental body for not less than 20 years in the State of Oregon; **AND**

WHEREAS, the relinquishment of said easement is in accordance the terms of the IGA;

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 _____ day of _____, 2007.

APPROVED AS TO FORM

Date 3-2-07 lane county


OFFICE OF LEGAL COUNSEL

Chair,
Lane County Board of Commissioners