

Memorandum Date: February 10, 2009
Order Date: March 4, 2009

T.L.C.

TO: Board of County Commissioners

DEPARTMENT: Public Works

PRESENTED BY: Frank Simas, Right of Way Manager

AGENDA ITEM TITLE: In the Matter of Relinquishing County-Owned Road Fund Property to the City of Eugene for River Avenue and River Road Pursuant to ORS 271.330

I. MOTION

THAT THE ORDER BE ADOPTED AUTHORIZING THE RELINQUISHMENT OF COUNTY-OWNED ROAD FUND PROPERTY TO THE CITY OF EUGENE IN CONNECTION WITH RIVER AVENUE AND RIVER ROAD.

II. AGENDA ITEM SUMMARY

Portions of Lane County-owned Road fund property are in use and maintained by the City of Eugene as right of way for River Avenue and River Road, and the City has requested that these areas be relinquished pursuant to ORS 271.330.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

By Order 07-8-29-12 the Board Authorized an Intergovernmental Agreement (IGA) with Lane Transit District (LTD) regarding the sale of County-owned surplus Road fund property located at the southwest quadrant of the Beltline Highway/River Road interchange. In order for the sale to LTD to be completed, it was necessary to complete a Property Line Adjustment so that a portion of the total county ownership could be retained and leased to private business to provide income to the Road Fund on a long-term basis. A copy of the Property Line Adjustment Survey is included and marked as Attachment 2.

During the process of preparing the Property Line Adjustment Survey, it was determined that along the River Road and River Avenue frontages of the property there is approximately 8,229 square feet of Lane County-owned land that is in use for right of way purposes by the City of Eugene. The additional area along the River Road frontage was incorporated into the street sometime in the late 70s or early 80s concurrent with a project constructed by Lane County, and the area along River Avenue was occupied by

the City in connection with a more recent project constructed by the City of Eugene. The subject area is shown cross hatched on the Map identified as Exhibit "B".

B. Policy Issues

Both River Road and River Avenue were formerly under the jurisdiction of Lane County but were relinquished to the City of Eugene in 1987. Continued use of these areas as City Streets is in the public interest. Past practice has been to relinquish surplus county-owned Road Fund property for continued use for street purposes if requested to do so by a city.

C. Board Goals

This action is consistent with the *Strategic Plan* goal of protecting the public's assets by maintaining, replacing or upgrading the County's investments in systems and capital infrastructure, and to the County goal of contributing to "appropriate community development in the area of transportation and telecommunications infrastructure, housing, growth management and land development."

D. Financial and/or Resource Considerations

The areas proposed for relinquishment to the City are outside the boundaries of the property sold to Lane Transit District by Lane County and the property retained by Lane County and now under option to lease to Pacific Continental Bank. If it were to be retained by Lane County and not incorporated into the public right of way, it would effectively landlock the Lane Transit parcel and the future branch bank site. Because the area is occupied by sidewalk and/or street paving, Lane Transit was not willing to purchase the portion along its frontage and Pacific Continental Bank was not interested in leasing it to incorporate into the proposed bank site. Consequently, this area is not adapted to producing any monetary return to the Road Fund.

IV. Analysis

ORS 271.330 provides that a political subdivision may relinquish the title to any of its property not needed for public use to any governmental body, provided such property shall be used for not less than 20 years for a public purpose. The attached Warranty Form-Street Deed provides for the 20-year use restriction as required by the above-referenced Code section, and if the use restriction is violated, the property would revert to County ownership.

The highest and best use for the property is concluded to be continued use and maintenance as a public street and sidewalk area by the City of Eugene.

V. Alternatives/Options

1. Approve the Order authorizing the execution of the attached Warranty Form-Street Deed.
2. Deny the Order and direct staff otherwise.

VI. TIMING/IMPLEMENTATION

N. A.

VII. RECOMMENDATION

Option 1.

VIII. FOLLOW-UP

If the Board approves the Order, Public Works staff will forward the executed deed to the City for acceptance by the City Council and recording.

IX. ATTACHMENTS

Attachment 1– Street Deed with Exhibits A and B
Attachment 2– Property Line Adjustment Map

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

ORDER NO.

(**IN THE MATTER OF RELINQUISHING**
(**COUNTY-OWNED ROAD FUND**
(**PROPERTY TO THE CITY OF EUGENE**
(**FOR RIVER AVENUE AND RIVER ROAD**
(**PURSUANT TO ORS 271.330**

WHEREAS, by Order 07-8-29-12 the Board authorized an Intergovernmental Agreement (IGA) with Lane Transit District (LTD) regarding the sale of county-owned surplus Road Fund property located near the River Road/Beltline Highway Interchange; and

WHEREAS, during the preparation of a Property Line Adjustment Survey in connection with the sale of said property, it was determined that portions of county-owned property along River Avenue and River Road were in use and maintained by the City of Eugene for street right of way purposes; and

WHEREAS, said portions of County property are not needed for use by Lane County now or in the foreseeable future and the City of Eugene has requested that these areas be relinquished for continued use as street right of way pursuant to ORS 271.330; and

WHEREAS, said relinquishment is permitted pursuant to said ORS 271.330, provided that such property shall be used for not less than 20 years for a public purpose by a governmental body in the State of Oregon;

NOW THEREFORE,

BE IT ORDERED, that the County relinquish said land as shown in Attachment 1 to the City of Eugene pursuant to ORS 271.330;

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

DATED this _____ day of _____, 2009.

APPROVED AS TO FORM

Date: 2-13-09 Lane County


OFFICE OF LEGAL COUNSEL

Chair,
Board of County Commissioners

CITY FILE NO.
APPROVED AND ACCEPTED BY CITY OF EUGENE,
OREGON

Deputy City Recorder

Date

WARRANTY FORM – STREET DEED

Tax Map & Lot Number 17-04-13-22-00500 & 00501 (on date of execution)

LANE COUNTY, a political subdivision of the State of Oregon, GRANTOR, conveys and warrants to the **CITY OF EUGENE, an OREGON MUNICIPAL CORPORATION, GRANTEE**, the following described real property, free of encumbrances except as specifically set forth herein, for public purposes, including street and utilities:

SEE EXHIBITS "A" AND "B"

ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

This grant is conditioned upon the herein conveyed parcel being used for public purposes for at least 20 years from the date of recording of this instrument. Should this property be used for other than public purposes for the next 20 years, the interest of the recipient shall automatically terminate and ownership shall revert to Lane County in accordance with the provisions of ORS 271.330(1).

The true and actual consideration for this conveyance is \$ (No Monetary Consideration)

Dated this _____ day of _____, 20____

X _____
Commissioner

X _____
Commissioner

X _____
Commissioner

X _____
Commissioner

X _____
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

"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 TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

AFTER RECORDING RETURN TO:

City of Eugene, City Recorder's Office, Eugene, Oregon 97401

UNTIL A CHANGE IS REQUESTED, MAIL ALL TAX STATEMENTS TO:

City of Eugene, Finance Department, Eugene, Oregon 97401

EXHIBIT A

LEGAL DESCRIPTION

A parcel of land lying in the Northwest one-quarter of the Northwest one-quarter (NW ¼ NW ¼) of Section 13, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, and being a portion of that tract of land described in Lane County Board of County Commissioner's Order Number 76-9-1-3 being IN THE MATTER OF THE VACATION OF A PORTION OF COUNTY ROAD NO. 1353, and being filed on September 2, 1976 in Lane County Board of County Commissioner's Journal, Reel 87, Pages 25 and 26, included in a strip of land variable feet in width lying on the northerly side of the centerline of River Avenue as resurveyed in 2008 and filed in County Survey File number 41271, Lane County Surveyors Office; the centerline and widths in feet being described as follows:

Beginning at Engineers' Centerline Station 0+00.00 POB, said station being 2,919.37 feet South and 1,050.96 feet East of the Brass Cap marking the Southwest corner of the L. Poindexter Donation Land Claim number 52, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon; run thence North 82°51'00" East, 500.00 feet to Engineers' Centerline Station 5+00.00 POT and there ending, all in Lane County, Oregon.

The widths in feet of the strip of land herein described are as follows:

<u>STATION TO STATION</u>		<u>WIDTH ON N'LY SIDE OF C/LINE</u>
0+00.00 POB	0+43.83 POT	137.17 ft
0+43.83 POT	0+51.11 POT	137.17 ft tapering on a straight line to 138.17 ft
0+51.11 POT	0+57.09 POT	138.17 ft tapering on a straight line to 74.45 ft
0+57.09 POT	0+63.34 POT	74.45 ft tapering on a 7 foot radius curve to the left, the chord of which bears South 50°43'39" East, 9.06 ft to 67.89 ft
0+63.34 POT	1+76.17 POT	67.89 ft tapering on a straight line to 55.83 ft
1+76.17 POT	1+68.01 POT	55.83 ft tapering back on a straight line to 40.00 ft

STATION TO STATION**WIDTH ON N'LY
SIDE OF C/LINE**

1+68.01 POT 3+00.00 POT 40.00 ft

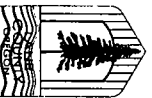
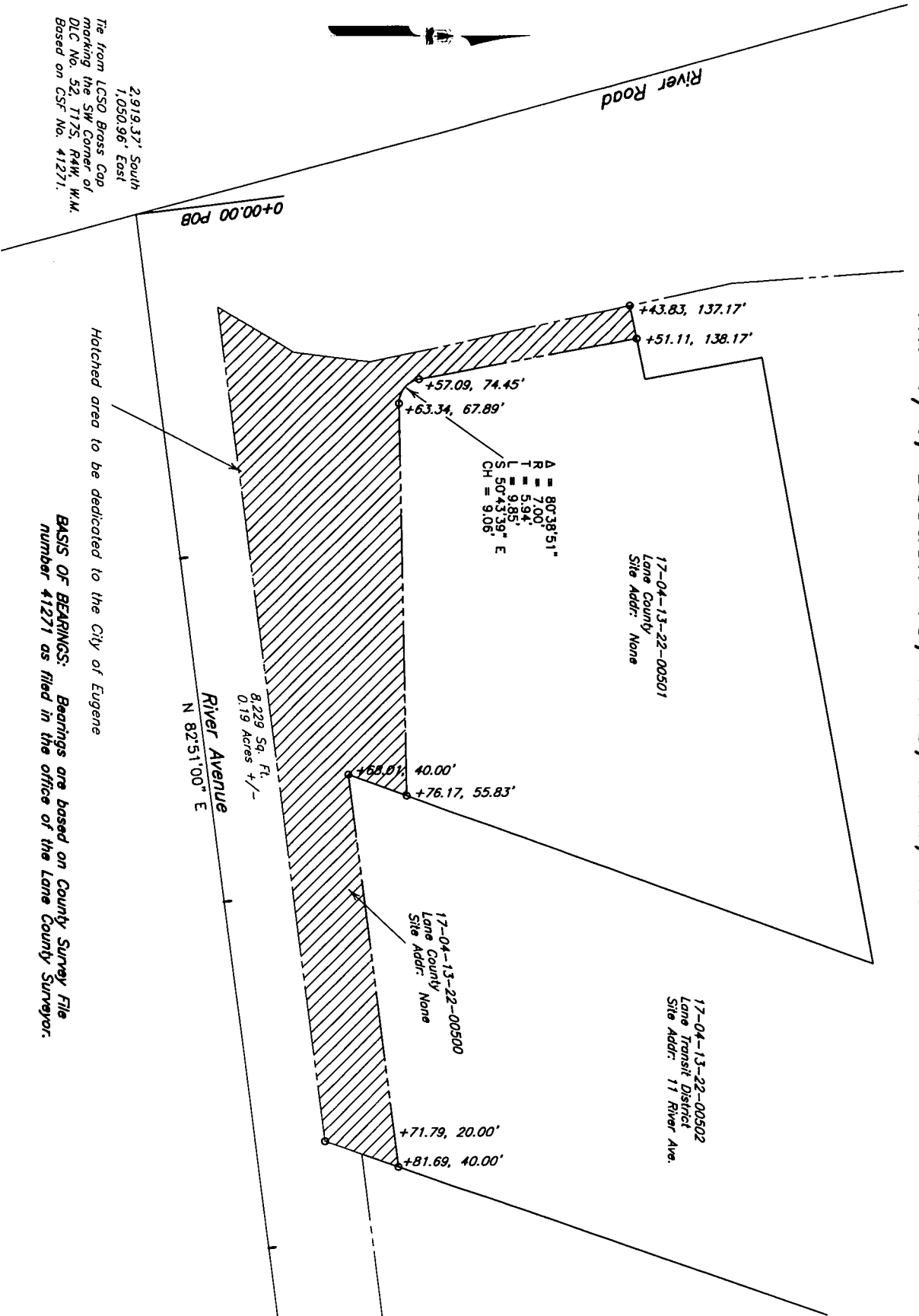
The northerly line of the above described strip of land crosses GRANTOR'S westerly and easterly property lines opposite approximate Engineers' Centerline Stations 0+44 POT and 2+82 POT, respectively.

The parcel of land to which this description applies contains 8,229 square feet, more or less, (0.19 of an acre).

The bearings used herein are based on County Survey File number 41271 as filed in the office of the Lane County Surveyor.

Exhibit "B"

NW 1/4, Section 13, T17S, R4W, W.M.



LANE COUNTY DEPARTMENT OF PUBLIC WORKS

Park-n-Ride

River Road & River Avenue
RIGHT OF WAY NO. 1443-01

BILL MORGAN
COUNTY ENGINEER

MARSHA A. MILLER
DIRECTOR OF PUBLIC WORKS

COUNTY ROAD LEGAL NO. N/A
MAINTENANCE NO. M-N/A

SCALE: AS SHOWN PROJECT NO. 0859-3 SHEET 1 OF 1

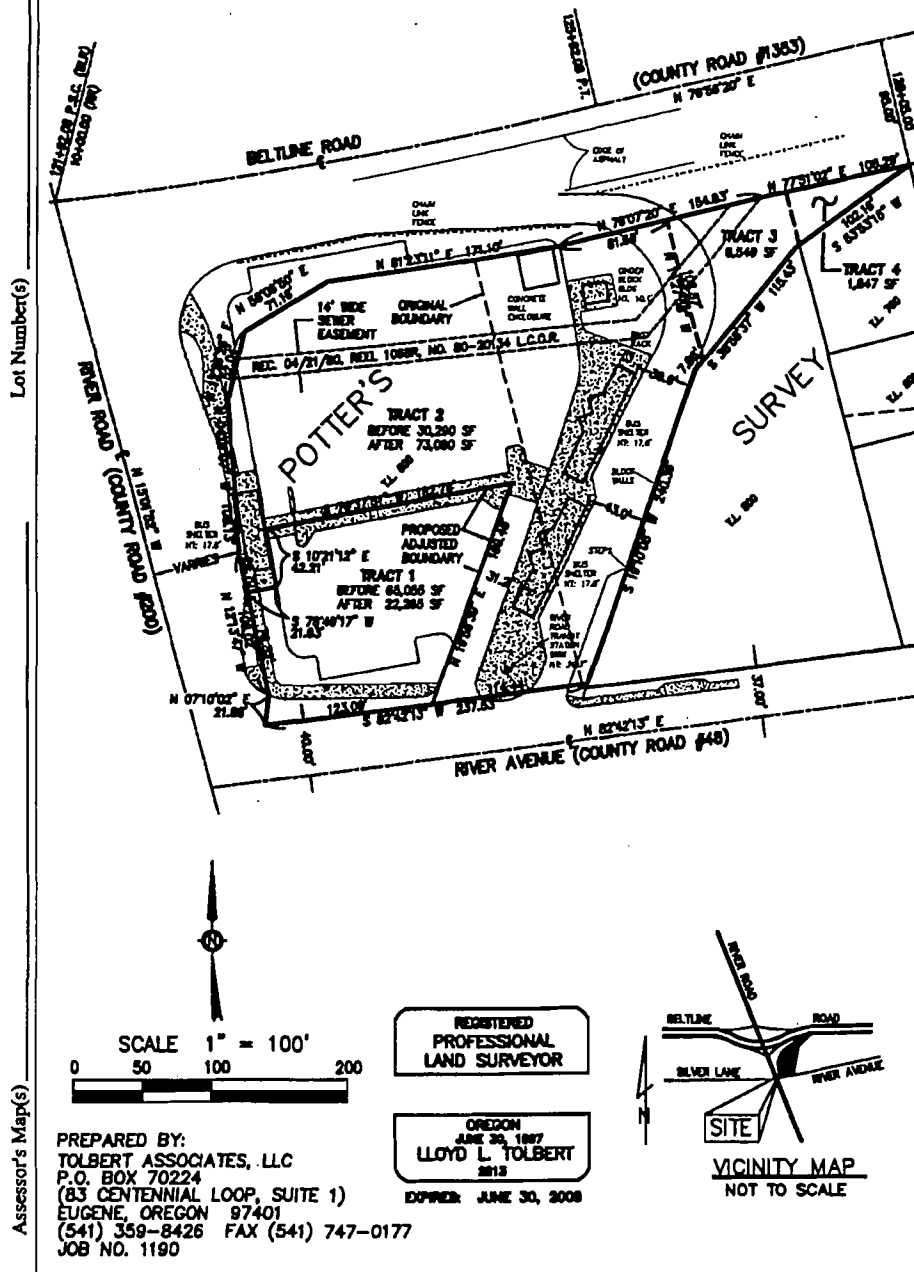
ATTACHMENT 2

Property Line Change

Planning & Development
Planning Division

PROPERTY LINE ADJUSTMENT FOR LANE COUNTY PUBLIC WORKS DEPARTMENT

NW 1/4, NW 1/4, SECTION 13, T. 17 S., R. 4 W., W.M.
ASSESSOR'S MAP 17-04-13-22, TAX LOT 500
EUGENE, LANE COUNTY, OREGON
NOVEMBER 15, 2007



File number LA _____