

Memorandum Date: June 24, 2010
Order Date: July 14, 2010

W. S.C.I.

TO: Board of County Commissioners

DEPARTMENT: Public Works

PRESENTED BY: Frank Simas, Right of Way Manager

AGENDA ITEM TITLE: In the Matter of Authorizing an Underground Utility Easement over a Portion of Glenwood Central Receiving Station Property, More Specifically Described as Tax Lot 300 on Map 17-03-33-44.

I. MOTION

Move approval of the Order.

II. AGENDA ITEM SUMMARY

Springfield Utility Board (SUB) has requested that Lane County execute a Public Water Utility Easement along the easterly property line of the Glenwood Central Receiving Station (CRS).

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The construction of the permanent replacement of the I-5 Willamette River Crossing bridge has necessitated that a waterline connecting the Eugene Water and Electric (EWEB) and SUB water distribution systems in the Glenwood area be severed. This line served the Glenwood Central Receiving Station for fire suppression and domestic water supply purposes and provided for a looped supply system as well as for redundant capacity if either the EWEB or SUB systems were to be out of service.

The existing line serving the CRS enters the CRS property from the north crossing other property as shown on the aerial photo map labeled as Attachment 1. This line comes from the East along Franklin Boulevard but now that the intertie between the two systems has been severed, this line is a dead-end line rather than a looped line, which is preferable in terms of flow and friction loss characteristics.

By Order 09-8-18-4 the Board authorized the execution of a Public Water utility Easement as shown on Attachment 1, identified in dark blue and labeled "Previously Granted Utility Easement 8/19/09". SUB had requested this easement with the plan to extend the easement northerly to Franklin Boulevard to connect with the existing line in Franklin Boulevard in order to restore the "looped" system

that existed prior to the former line being severed by the bridge construction.

This would have required the granting of an easement from the State of Oregon to cross the former State Motor Pool property. The State was initially in agreement with this proposal, but now has the property listed for sale as surplus and is not willing to grant the easement.

The proposed easement is variable in width, ranging from 10 to 25 feet as shown on Attachment 1 and as described "Exhibit A".

B. Policy Issues

None known.

C. Board Goals

This project addresses the County Goal of protecting the public's assets by maintaining, replacing or upgrading the County's investments in systems and capital infrastructure.

D. Financial and/or Resource Considerations

There is no revenue or expense associated with this proposed action by the Board.

IV. Analysis

ORS 271.310 provides that the County may sell, exchange, convey or lease all or any part of its interest in property whenever the public interest may be furthered. The proposed water line installation is needed to assure an adequate flow and delivery of water to the CRS for fire suppression and domestic uses. SUB cannot install and maintain the proposed water line without a recorded easement in place, and although the easement may ultimately serve other properties, a looped configuration provides redundancy and benefits both SUB and Lane County.

The location of the easement is such that it can continue be used for site circulation for the foreseeable future, and if the property is converted to another use at some time in the distant future, the line could be relocated at County expense if desired.

Waste Management staff has reviewed the proposed easement location and has found it to be acceptable with regard to operations at the Central Receiving Station, and are in agreement as to the benefit of restoring a looped system for fire

suppression and domestic water supply purposes. The easement is written to include the right to install power and control lines as well as water lines. This will give SUB flexibility in the future if it becomes necessary to rearrange power lines at a later date. From a valuation standpoint, the addition of the electrical usage does not increase the degree of encumbrance to the property once the initial public usage right is imposed.

V. Alternatives/Options

1. Approve the Order authorizing the execution of the Public Water Utility Easement attached and identified as "Exhibit A".
2. Deny the Order and direct staff otherwise.

VI. TIMING/IMPLEMENTATION

If the Board approves the Order, Public Works staff will transmit the Easement Deed to SUB for acceptance and recording.

VII. RECOMMENDATION

Option 1.

VIII. FOLLOW-UP

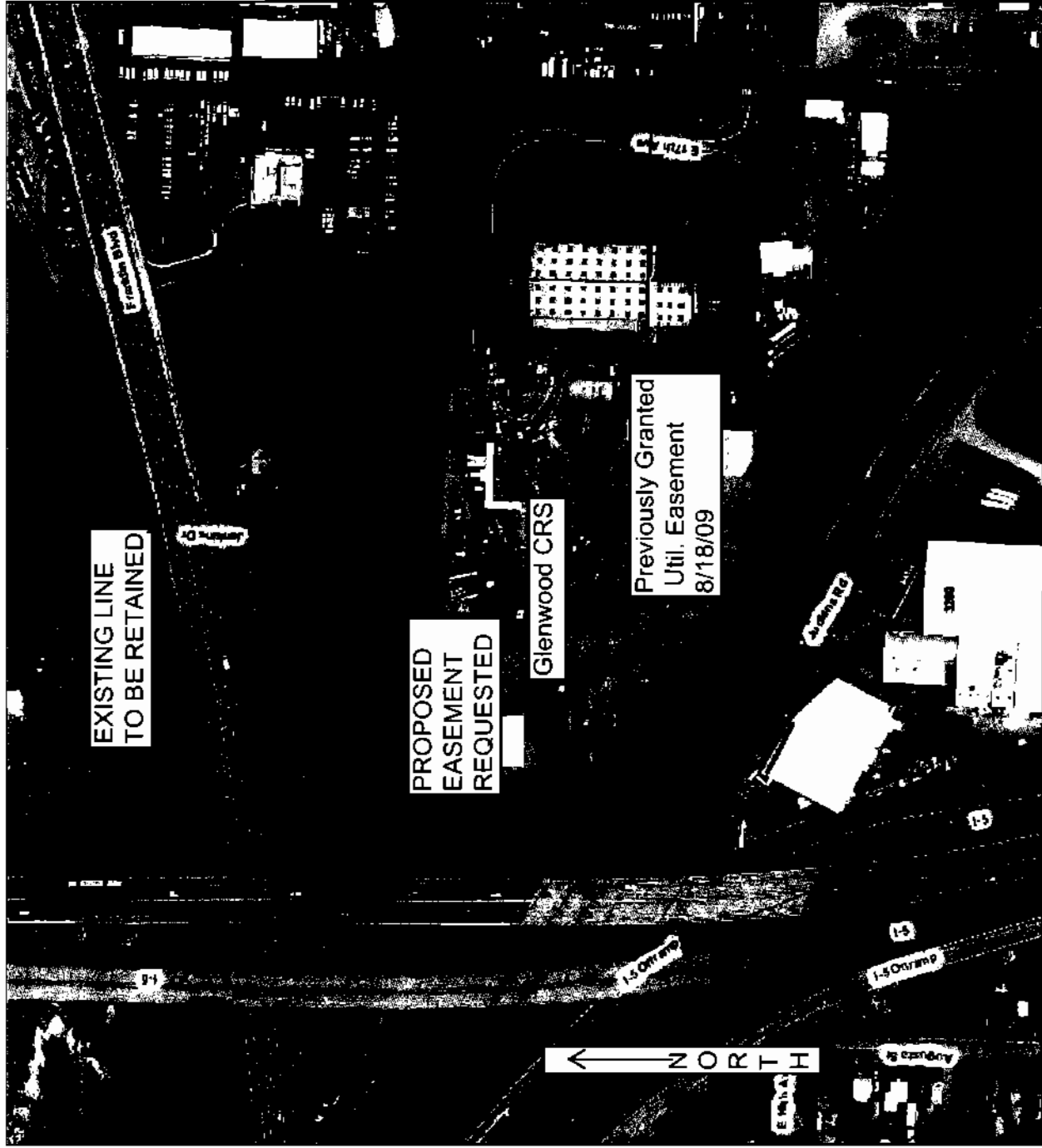
N. A.

IX. ATTACHMENTS

Exhibit A – Utility Easement with Exhibit

Attachment 1– Aerial Photo of Glenwood CRS and Vicinity

ATTACHMENT 1



GLENWOOD CENTRAL RECEIVING STATION
Proposed Public Utility Easement

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

ORDER NO.

(**IN THE MATTER OF AUTHORIZING AN
(UNDERGROUND UTILITY EASEMENT OVER
(A PORTION OF GLENWOOD CENTRAL
(RECEIVING STATION PROPERTY, MORE
(SPECIFICALLY DESCRIBED AS TAX LOT 300
(ON MAP 17-03-33-44**

WHEREAS, the Glenwood Central Receiving Station (CRS) is currently supplied by water for fire suppression and domestic usage purposes by the Springfield Utility Board (SUB) but was formerly supplied by Eugene Water and Electric Board (EWEB); and

WHEREAS, the interconnection between the SUB and EWEB water systems was severed in connection with the I-5 Willamette bridge replacement project, resulting in a dead-end connection and reduced flow and possible increased pressure loss for the system supplying the CRS facility; and

WHEREAS, SUB wishes to provide a replacement connection to the County facility to provide increased flow and to provide redundancy in the fire suppression system, but will require an easement across County-owned land in order to install the replacement water line, and has therefore requested that the County execute a Public Water Utility Easement in variable width over that portion of the facility specifically described on "Exhibit A"; and

WHEREAS, ORS 271.310 provides that the County may sell, exchange, convey or lease all or any part of its interest in property to a governmental body, private corporation or individual whenever the public interest may be furthered; and

WHEREAS, a looped water supply system allowed by the imposition of the easement will provide better flow of water if needed for fire suppression purposes and will therefore facilitate the protection of public infrastructure located on the County property.

NOW THEREFORE,

IT IS ORDERED that the Board approves and authorizes the execution of the Public Water Utility Easement in the form as shown on "Exhibit A",

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

EFFECTIVE DATE this _____ day of _____, 2010.

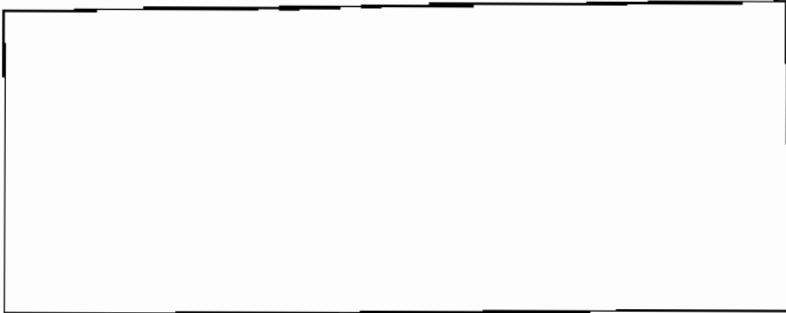
APPROVED AS TO FORM

Date: 7-1-10 Lane County


OFFICE OF LEGAL COUNSEL

Chair,
Board of County Commissioners

**PUBLIC WATER UTILITY
EASEMENT**



KNOW ALL MEN BY THESE PRESENTS, that the undersigned, for a good and valuable consideration, the receipt whereof is hereby acknowledge, do(es) hereby grant unto the City of Springfield, a municipal corporation, acting by and through its SPRINGFIELD UTILITY BOARD, and unto its successors and assigns, a perpetual easement along with the right to enter upon the lands of the undersigned situated in the City of Springfield, State of Oregon, and more particularly described as follows:

SEE ATTACHED EXHIBIT "A"

And to construct, operate, maintain, and replace therein underground facilities including power and control lines and water pipelines. SUB shall have a right to permanently maintain the underground facilities, and its agents and employees shall have the right to go upon said real property for the purpose of constructing, operating, maintaining, and repairing the underground facilities, to remove and replace fences, lawns, and trees to the extent necessary to construct, operate, maintain, and protect said lines and facilities, provided SUB shall leave the real property in the same condition as before, excluding reasonable, fair wear and tear arising from such activities. No part of any building containing sanitation facilities or any permanent structure will be placed in the easement areas, other than pavement, curbs, sidewalks, and driveway aprons, made with such materials as Grantor deems appropriate, without the express consent of SUB.

The undersigned covenants that it is the owner of the above described property and that such property is free and clear of encumbrances and liens of whatsoever character except all covenants, conditions, restrictions, encumbrances, easements, and liens, if any, affecting title which appear in the public records, any of those visible from a physical examination of the property.

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

Commissioner

Commissioner

Commissioner

Commissioner

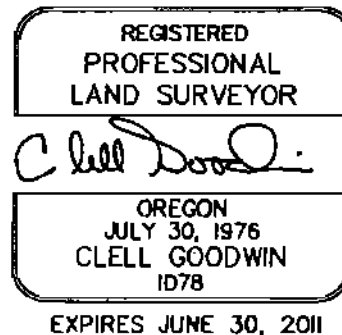
EXHIBIT "A"

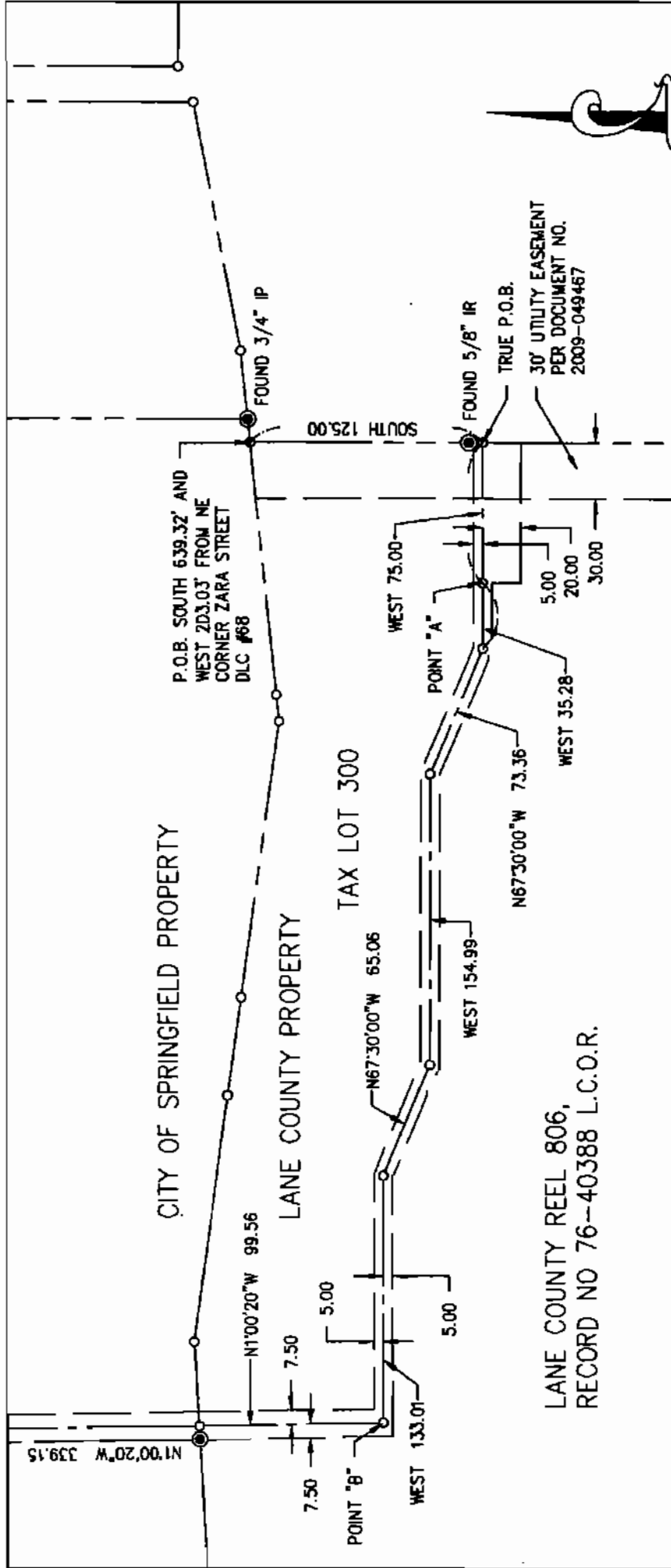
Being a portion of that property acquired by Lane County, a political subdivision of the State of Oregon through that deed recorded in Reel 806, Instrument Number 76-40388 of the Official Records of Lane County Oregon which portion is more particularly described as follows:

Being a strip of varying width lying on either side of the following described centerline:

Beginning at the northeast corner of the afore-described property of Lane County, said corner being of record 639.32 feet south and 203.03 feet west of the Northeast Corner of the Zara Sweet Donation Land Claim Number 68 in Township 17 South Range 3 West of the Willamette Meridian thence South, along the east line of said property a distance of 125.00 feet to the True Point of Beginning; thence, leaving said east line, West a distance of 75.00 feet to Point "A"; thence continuing West a distance of 35.28 feet; thence North $67^{\circ}30'00''$ West a distance of 73.36 feet; thence West a distance of 154.99 feet; thence North $67^{\circ}30'00''$ West a distance of 65.06 feet; thence West a distance of 133.01 feet to Point "B"; thence North $1^{\circ}00'20''$ West a distance of 99.56 feet to the north line of said property and there terminating.

The easement lying five (5.00) feet on the north side and twenty (20.00) feet on the south side of centerline from the True Point of Beginning to Point "A"; five (5.00) feet northerly of centerline and five (5.00) feet southerly of centerline from Point "A" to Point "B" and 7.50 feet easterly and 7.50 feet westerly of centerline from Point "B" to the termination of the described centerline. The sidelines of said easement are to be prolonged or foreshortened to intersect at the angle points and property boundaries.





SURVEY LEGEND:

FOUND MONUMENT

CALCULATED POINT

PROPERTY LINE

CENTERLINE OF EASEMENT

EASEMENT LINE

POINT OF BEGINNING



SCALE 1" = 80'

PROJECT 7200-009-09

DATE: MAY 28, 2010

FILENAME: 7200-009-09.dwg

SHEET No.

EXHIBIT

SPRINGFIELD UTILITY BOARD
LANE COUNTY TRANSFER STATION
GLENWOOD, OR - WATERLINE EASEMENT

TAX MAP 17-03-33-44, TAX LOT 300



**BALZHISER
& HUBBARD
ENGINEERS**

MECHANICAL
ELECTRICAL
CIVIL
SURVEYORS

100 WEST 13TH AVENUE
EUGENE, OR 97401
P: 341-484-8428
F: 341-345-3903

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Clell Goodwin

OREGON
JULY 30, 1976
CLELL GOODWIN
1078

EXPIRES JUNE 30, 2011