

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 19-07-30-07

IN THE MATTER OF AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO A NEW 50-YEAR LEASE AGREEMENT WITH MOUNT PISGAH ARBORETUM REGARDING A LONG-TERM LEASE FOR THE DEVELOPMENT, OPERATION, MAINTENANCE, AND SECURITY OF THE EXISTING LEASED AREA WITHIN HOWARD BUFORD RECREATION AREA.

WHEREAS, COUNTY owns and manages the HOWARD BUFORD RECREATION AREA, hereinafter referred to as “**HBRA**”; and

WHEREAS, LESSEE began development in 1975 of a public arboretum within a tract of HBRA under a temporary license granted by COUNTY on July 2, 1975, and a thirty year lease executed on April 3, 1979; and

WHEREAS, the HBRA Master Plan (“**HBRA Plan**”), adopted as a Refinement on June 15, 1994 provides for the continuation and expansion of a public arboretum; and

WHEREAS, in 1996 COUNTY and LESSEE entered into a new 50 year lease agreement extending from July 1, 1996 to July 1, 2046 for the development, operation and management of a public arboretum within the boundaries of HBRA (the “**1996 Lease**”); and

WHEREAS, since 1975, LESSEE has made substantial improvements to the Properties, including: removal of derelict buildings, and rehabilitation and maintenance of other buildings; major restoration of natural habitats; construction and maintenance of more than seven miles of trails; construction and maintenance of a large parking lot, public restrooms, a potable water system, and a picnic area; construction and maintenance of on-site offices and a large events facility; and development and installation of large scale educational exhibits; and

WHEREAS, LESSEE has kept the arboretum site open to the public, free of charge, since 1975 and developed nature education programs which have served over 75,000 local school children and over 12,000 adults; and

WHEREAS, LESSEE engages approximately 500 community volunteers each year to help care for the site and teach others about local ecology; and

WHEREAS, LESSEE has served the constituents of Lane County, the Pacific Northwest and the general public since 1975, and currently has an estimated annual attendance of 400,000; and

WHEREAS, LESSEE has expended approximately \$10,000,000, including over \$1,000,000 for capital improvements at the arboretum site, and has secured an endowment fund of over \$800,000; and

WHEREAS, LESSEE has stated in its Articles of Incorporation as amended on March 13, 2017 that “The primary purpose of this organization shall be to engage people with nature through interactive learning and stewardship;” and

WHEREAS, successful fund raising, including securing grants and donations, for capital improvements to the arboretum is dependent on LESSEE’S ability to document a long-term commitment for occupancy of the site; and

WHEREAS, LESSEE has performed its assigned work diligently over the entire term of the lease to-date, and without an increase in caretaker payments since 2010; and

WHEREAS, the Lane County Board of County Commissioners unanimously passed a resolution on October 31, 2017 recognizing the value of COUNTY’s partnership with LESSEE; and

WHEREAS, the working relationship between COUNTY and LESSEE has evolved over time, with the result that some provisions of the 1996 Lease have become obsolete.

NOW, THEREFORE, COUNTY agrees to lease to LESSEE the Original Lease Area and the Proposed Expanded Lease Area within HBRA as delineated in Exhibit “A” (hereinafter the “**Properties**”) attached hereto, under the following terms and conditions. Upon execution, this Agreement terminates and replaces the 1996 Lease as of the day and year herein first written above. NOW THEREFORE IT IS

ORDERED that Lane County enter into the lease in substantially the form as presented in Exhibit “A”; and it is further

ORDERED that the County Administrator be delegated authority to sign the lease.

ADOPTED this 30th day of July, 2019



Pete Sorenson, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date

LANE COUNTY OFFICE OF LEGAL COUNSEL

