

W.S.C. 1.

## AGENDA COVER MEMO

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DATE: January 30, 2004

TO: Lane County Board of Commissioners

DEPT.: Public Works

PRESENTED BY: Frank Simas  
Right of Way Manager

AGENDA ITEM TITLE: In the Matter of Assisting the City of Eugene with the Delta Ponds Restoration Project and Directing Public Works Staff to Provide Surveying and Engineering Necessary to Process the Transfer of Lane County Excess Right of Way and County-Owned Land to the City as Necessary for the Construction of the Project.

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### I. MOTION

THAT THE BOARD ORDER BE APPROVED DIRECTING PUBLIC WORKS STAFF TO PROVIDE SURVEYING AND ENGINEERING NECESSARY TO PROCESS THE TRANSFER OF LANE COUNTY EXCESS RIGHT OF WAY AND COUNTY-OWNED LAND TO THE CITY AS NECESSARY IN ORDER TO ASSIST THE CITY IN THE CONSTRUCTION OF THE DELTA PONDS RESTORATION PROJECT.

### II. ISSUE OR PROBLEM

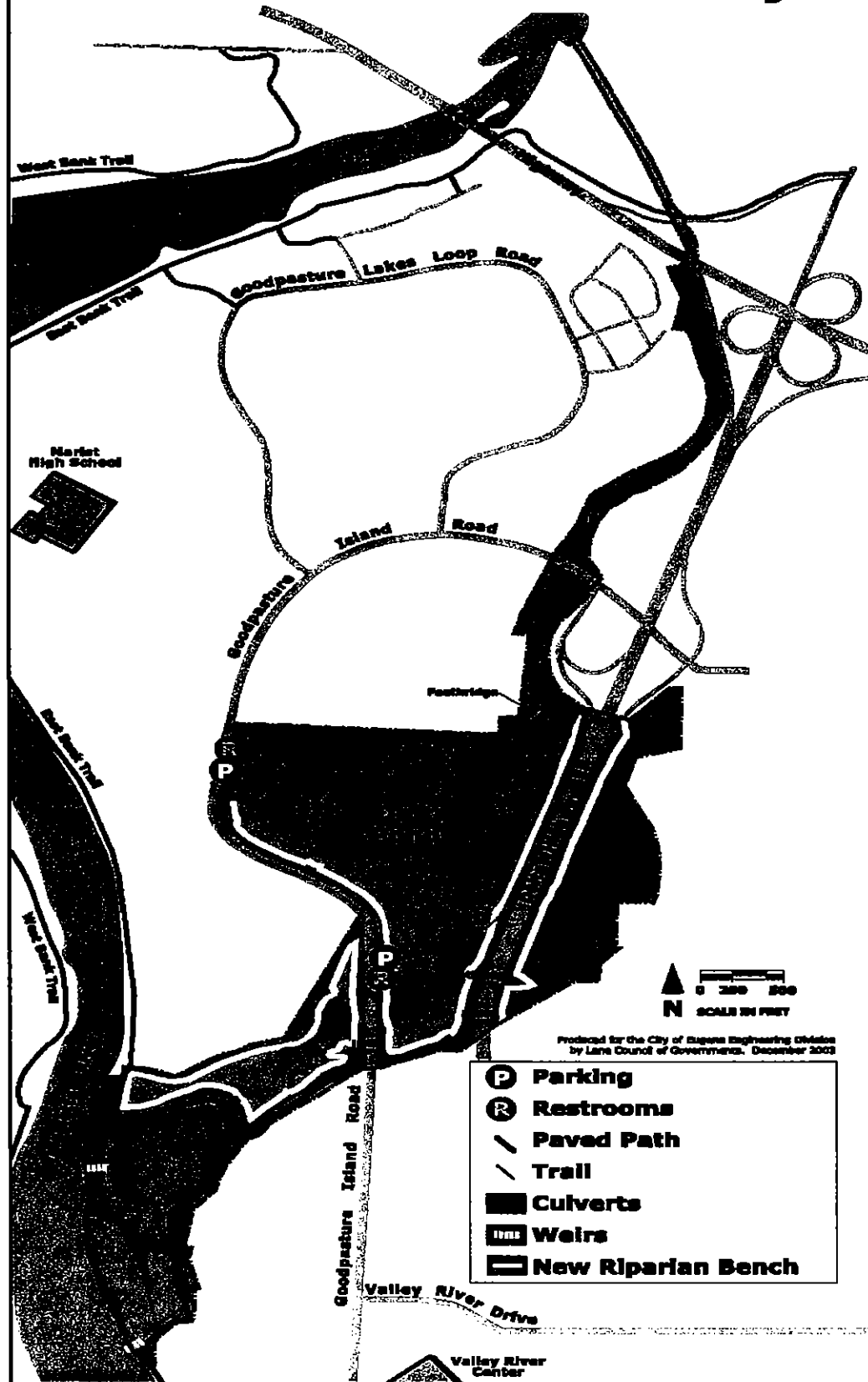
Should Lane County assist the City of Eugene in the construction of the Delta Ponds Restoration Project by furnishing necessary surveying, engineering and other services necessary to process the transfer of excess right of way and excess county-owned land for approval by the Board of County Commissioners per ORS 271.310?

### III. DISCUSSION

#### A. Background

The City of Eugene is moving forward with a water resource project involving the Delta Ponds area of Eugene. The project involves habitat restoration and recreation improvement adjacent to the Ponds, along Delta Highway, and along Debrick Slough between the north end of the ponds and the Willamette River. The project is being developed under a partnership with the U. S. Army Corps of Engineers. (Corps)

## Delta Ponds Restoration Project



The major features of the project include connection of the ponds to the Willamette River in order to provide an environment that is more conducive for fish and wildlife, improving the flow of water between the individual ponds and between the ponds and the river to enhance water quality in the ponds throughout the year, and tapering of the pond banks to provide better riparian habitat and to reduce invasive non-native plant species. Recreation-oriented improvements include two small parking lots, a trail system, overlooks, signage and comfort amenities such as benches and portable restrooms.

The map on the preceding page shows the general layout of the project and the location of the major construction features.

The project plans call for construction on areas that are in existing County right of way or are County-owned land that is adjacent to the right of way. These areas are strips along both sides of Delta Highway from a point roughly opposite the westerly end of Robin Hood Drive northerly to a point about 1,000 feet southerly of the Goodpasture Island Road Overpass. From this point northerly, the project area follows the route of Debrick slough in a northwesterly direction.

The total area of land needed for the construction of the project that is currently under County ownership is about 10.5 acres. A small portion of this is currently the legal right of way for Delta Highway, but most of it is area that is outside the legal right of way and is County-owned excess land. As currently proposed, the Delta Ponds Project cannot be constructed without the conveyance of the needed land to the City.

A portion of the area that is needed along both sides of Delta Highway is part of the legal right of way. It will be utilized to construct habitat benches, which in some areas, will include a trail. In exchange for the transfer of this right of way, the City has agreed to obtain the necessary permits and to construct additional fill areas abutting the existing roadway embankment along both sides of Delta Highway to accommodate a possible future additional lane on each side of the roadway. This would be built in an area that is currently a combination of riparian land and Jurisdictional Waters.

#### B. Analysis

In order to transfer the needed land and other rights needed for the construction of the project, it is necessary to perform surveying to retrace the existing right of way for Delta Highway, and to determine what County-owned land is needed to be retained for use as existing right of way or to provide for a possible expansion of Delta Highway in the future. Once this data has been compiled, staff will have the information needed to prepare agenda materials necessary for presentation to the Board to process the necessary road Alteration and Establishment as well as the transfer to the City of any needed County lands under the provisions of ORS 271.310.

Any County-owned right of way or land to be transferred will be appraised for purposes of determining the amount of Lane County's contribution to the project. It is anticipated that the value of the work to be done as part of the project will be equal to or greater than the value of the lands contributed by Lane County. Because the City is procuring the environmental

permits necessary to fill the riparian and wetlands to build the benches, any additional filling by the County at a later date should be considerably facilitated from a permitting standpoint. The overall benefit to Lane County irrespective of the monetary considerations is that the City's construction of the benches to a width in excess of what is needed for their project is expected to increase the likelihood that this important transportation corridor can be expanded in the future to meet the transportation needs of the citizens of Lane County. In addition, the Delta Ponds Project is anticipated to have a beneficial effect on water quality and the quality of riparian habitat in the immediate area.

C. Alternatives/Options

1. Approve the attached Resolution and Order authorizing Public Works staff to undertake surveying and other tasks necessary to prepare for the legal steps and Board action to transfer the needed land and easements to the City of Eugene for the Delta Ponds project.
2. Approve a modified Resolution and Order and authorize staff to pursue other alternatives to assist the City of Eugene in acquiring the needed County-owned land and right of way for the project.
3. Direct staff to do no further work in connection with this project.

D. Recommendations

In view of the overall public benefit to be derived, it is recommended that Alternative No. 1 be approved.

IV. IMPLEMENTATION/FOLLOW-UP

Public Works staff will undertake the necessary tasks to present the transfer for Board action.

V. ATTACHMENTS

None

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

**RESOLUTION AND  
ORDER NO.**

) IN THE MATTER OF ASSISTING THE CITY  
) OF EUGENE WITH THE DELTA PONDS  
) RESTORATION PROJECT AND DIRECT-  
) ING PUBLIC WORKS STAFF TO PROVIDE  
) SURVEYING AND ENGINEERING NEC-  
) ESSARY TO PROCESS THE TRANSFER  
) OF LANE COUNTY EXCESS RIGHT-  
) OF-WAY AND COUNTY-OWNED LAND  
) TO THE CITY AS NECESSARY FOR THE  
) CONSTRUCTION OF THE PROJECT

**WHEREAS**, the City of Eugene has proposed a water resource project involving the Delta Ponds area of Eugene in partnership with the U. S. Army Corps of Engineers; and

**WHEREAS**, said project is anticipated to have significant public benefit through enhancement of the wetland and riparian resources in the Delta Ponds area near Delta Highway, and will also enhance recreational opportunities by making the ponds area accessible through the construction of a system of trails; and

**WHEREAS**, portions of the lands needed for the project are currently in Lane County ownership and are either excess right-of-way or excess County-owned land; and

**WHEREAS**, said lands can be transferred to the City of Eugene for said purposes under the provisions of ORS 271.310; and

**WHEREAS**, in order to process the transfer for approval by the Board it is necessary to perform surveying and engineering to prepare legal descriptions for use in said transfer or vacation, if necessary, and to determine that the lands to be retained are sufficient to allow for possible future use for road purposes or as wetland mitigation sites for other County projects. **NOW THEREFORE**,

**IT IS HEREBY RESOLVED** that in view of the significant public benefits to be obtained, the Department of Public Works staff is hereby directed to assist the City of Eugene in the Delta Ponds project by providing necessary surveying and engineering needed to prepare the legal descriptions to submit the transfer and/or vacation proceedings for consideration by the Board; and

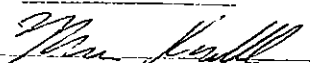
**IT IS FURTHER RESOLVED AND ORDERED** that Public Works staff submit said transfer and/or vacation to the Board for consideration once legal descriptions and other information has been compiled, along with a recommendation as to the approval or denial of said proposal.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Chair,  
Lane County Board of Commissioners

APPROVED AS TO FORM

Date 2-10-04 lane county

  
DAVID J. HALL  
COUNTY CLERK