

W. S. E. I.

AGENDA COVER MEMO

DATE: October 19, 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 Relinquishing County-Owned Road Fund
Property to the City of Springfield Pursuant to ORS 271.330.

I. MOTION

THAT THE ORDER BE APPROVED AUTHORIZING THE RELINQUISHMENT OF
COUNTY-OWNED ROAD FUND PROPERTY TO THE CITY OF SPRINGFIELD
IN ACCORDANCE WITH INTERGOVERNMENTAL AGREEMENT DATED
FEBRUARY 11, 2002.

II. ISSUE OR PROBLEM

Lane County and the City of Springfield entered into an Intergovernmental Agreement dated February 11, 2002, concerning the construction of Jasper Road Extension, Phase 1.

Under the terms of the Intergovernmental Agreement, Lane County agreed to transfer certain real property upon completion of the Jasper Road Extension project. The property is located adjacent to the project and was acquired for the purpose of connections to existing or future City streets.

III. DISCUSSION

A. Background:

In connection with the construction of the Jasper Road Extension, Phase 1, it was necessary to acquire certain real property lying outside the proposed limits of County jurisdiction in order to provide connections for existing and future city streets. The Intergovernmental Agreement calls for the transfer of this property

from the County to the City of Springfield upon completion of the project. The area proposed for relinquishment is described in the attached Quitclaim Deed, and is also depicted by means of hatching on the attached map, labeled "Exhibit A".

B. Analysis:

Transfer of this property is consistent with the terms of the Intergovernmental Agreement and is allowed in accordance with ORS 271.330, provided that the property shall be used for not less than 20 years for a public purpose by the governmental body in the state of Oregon.

C. Alternatives/Options:

1. Approve the relinquishment of the County-owned land to the city of Springfield in accordance with the Intergovernmental Agreement.
2. Deny the granting of the relinquishment, which will not be in accordance with the Intergovernmental Agreement.

D. Recommendations:

It is recommended that the Board approve this Order, and authorize the execution of the attached Quitclaim Deed.

IV. IMPLEMENTATION/FOLLOW-UP

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

V. ATTACHMENTS:

Quitclaim Deed
Exhibit A

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

ORDER NO.

(IN THE MATTER OF RELINQUISH-
ING COUNTY-OWNED ROAD FUND
(PROPERTY TO THE CITY OF
(SPRINGFIELD PURSUANT TO
(ORS 271.330.

WHEREAS, Lane County and the City of Springfield have entered in an Intergovernmental Agreement dated February 11, 2002, concerning the construction of Jasper Road Extension, Phase 1; and

WHEREAS, under the terms of said agreement, Lane County agreed, upon completion of the project, to transfer certain real property adjacent to the project that was acquired for the purpose of providing connections to existing or future City streets; and

WHEREAS, said street improvements have now been substantially completed; and

WHEREAS, the relinquishment of the additional right of way will be in accordance with the Intergovernmental Agreement and is permitted pursuant to ORS 217.330, provided that such property shall be used for not less than 20 years for a public purpose by the governmental body in the State of Oregon; now therefore

BE IT ORDERED, that the County relinquish said right of way as shown on Exhibit "A" to the City of Springfield 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 Springfield.

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 _____, 2004.

Chair,
Lane County Board of Commissioners

APPROVED AS TO FORM

Date: 10-21-04 lane county

[Signature]

COUNSEL

After Recording Return to, and
Send Tax Statements to:
City of Springfield – Public Works/Engineering
225 Fifth Street
Springfield, Oregon 97477
Attn: Don Rogers

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 0 dollars, does hereby release and quitclaim to the CITY OF SPRINGFIELD, a political subdivision of the State of Oregon, 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 Northeast one-quarter of the Northeast one-quarter (NE ¼ NE ¼) of Section 4, Township 18 South, Range 2 West of the Willamette Meridian, Lane County, Oregon, and being all of that tract of land conveyed to LANE COUNTY, a political subdivision of the State of Oregon, by that certain deed recorded November 15, 2000, Recorder's Reception Number 2000-065489, LANE COUNTY OREGON DEED RECORDS, being more particularly described as follows:

Beginning at a point 33.204 meters right of Engineers' Centerline Station L 1+620.418 POC (Jasper Road Extension), said point being 2200.954 meters North and 368.753 meters West of the Lane County Surveyors Office Brass Cap '1977' marking the West Northwest Corner of the John C. Looney Donation Land Claim Number 39, located in Section 10, Township 18 South, Range 2 West of the Willamette Meridian, Lane County, Oregon; run thence South 2° 58' 15" West, 65.569 meters; thence South 88° 54' 14" East, 4.572 meters; thence North 1° 38' 21" East, 69.466 meters; thence South 39° 13' 56" West, 4.996 meters to the point of beginning and there ending, all in Lane County, Oregon.

ALSO: A parcel of land lying in the Northeast one-quarter of the Northeast one-quarter (NE ¼ NE ¼) of Section 4, Township 18 South, Range 2 West of the Willamette Meridian, Lane County, Oregon, and being portions of those tracts of land conveyed to LANE COUNTY, a political subdivision of the State of Oregon, by those certain deeds recorded May 22, 2000, Recorder's Reception Number 2000-028696, August 8, 2000, Recorder's Reception Number 2000-045367 and November 15, 2000, Recorder's Reception Number 2000-065489, LANE COUNTY OREGON DEED RECORDS, being more particularly described as follows:

Beginning at a point 32.218 meters right of Engineers' Centerline Station L 1+705.404 POC (Jasper Road Extension), said point being 2120.325 meters North and 335.308 meters West of the Lane County Surveyors Office Brass Cap '1977' marking the West Northwest Corner of the John C. Looney Donation Land Claim Number 39, located in Section 10, Township 18 South, Range 2 West of the Willamette Meridian, Lane County, Oregon; run thence North 40° 51' 39" West, 25.829 meters; thence North 1° 38' 21" East, 44.252 meters; thence North 86° 38' 01" West, 3.049 meters; thence South 1° 38' 21" West, 114.269 meters; thence South 88° 21' 39" East, 3.048 meters; thence North 1° 38' 21" East, 15.125 meters, thence along a 50.216 meter radius curve right (the long chord of which bears North 14° 50' 07" East, 22.927 meters) a distance of 23.131 meters; thence North 43° 54' 57" East, 18.159 meters to the point of beginning and there ending, all in Lane County, Oregon.

ALSO: A parcel of land lying in the Northeast one-quarter of the Northeast one-quarter (NE ¼ NE ¼) of Section 4, Township 18 South, Range 2 West of the Willamette Meridian, Lane County, Oregon, and being portions of those tracts of land conveyed to LANE COUNTY, a political subdivision of the State of Oregon, by those certain deeds recorded June 19, 1998, on Reel 2431, Recorder's Reception Numbers 9847492 and 9847493 and August 8, 2000, Recorder's Reception Number 2000-045367, LANE COUNTY OREGON DEED RECORDS, being more particularly described as follows:

Beginning at a point 22.873 meters left of Engineers' Centerline Station L 1+664.361 POC (Jasper Road Extension), said point being 2179.731 meters North and 300.631 meters West of the Lane County Surveyors Office Brass Cap '1977' marking the West Northwest Corner of the John C. Looney Donation Land Claim Number 39, located in Section 10, Township 18 South, Range 2 West of the Willamette Meridian, Lane County, Oregon; run thence North 59° 48' 30" East, 6.711 meters; thence along a 50.500 meter radius curve left (the long chord of which bears North 32° 34' 02" East, 28.807 meters) a distance of 29.213 meters; thence North 37° 32' 07" West, 6.908 meters; thence South 88° 21' 39" East, 6.447 meters; thence along a 158.496 meter radius curve left (the long chord of which bears South 8° 57' 37" East, 10.912 meters) a distance of 10.914 meters; thence along a 144.293 meter radius curve left (the long chord of which bears South 16° 03' 48" East, 25.805 meters) a distance of 25.839 meters; thence North 82° 12' 59" West, 5.404 meters; thence along a 69.500 meter radius curve right (the long chord of which bears South 43° 53' 23" West, 12.717 meters) a distance of 12.735 meters; thence South 49° 08' 21" West, 8.873 meters; thence North 34° 26' 17" West, 20.370 meters to the point of beginning and there ending, all in Lane County, Oregon.

ALSO: A parcel of land lying in the Northeast one-quarter of the Northeast one-quarter (NE ¼ NE ¼) of Section 4, Township 18 South, Range 2 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 August 8, 2000, Recorder's Reception Number 2000-045367, LANE COUNTY OREGON DEED RECORDS, being more particularly described as follows:

Beginning at a point 57.032 meters left of Engineers' Centerline Station L 1+734.283 POC (Jasper Road Extension), said point being 2131.489 meters North and 242.268 meters West of the Lane County Surveyors Office Brass Cap '1977' marking the West Northwest Corner of the John C. Looney Donation Land Claim Number 39, located in Section 10, Township 18 South, Range 2 West of the Willamette Meridian, Lane County, Oregon; thence North 61° 34' 44" East, 1.918 meters to the True Point of Beginning; run thence along a 144.293 meter radius curve right (the long chord of which bears North 35° 38' 17" West, 32.998 meters) a distance of 33.070 meters; thence along a 242.681 meter radius curve right (the long chord of which bears South 58° 59' 07" East, 38.019 meters) a distance of 38.058 meters; thence South 61° 34' 44" West, 15.187 meters to the True Point of Beginning and there ending, all in Lane County, Oregon.

City, by acceptance of this grant, hereby declares and otherwise agrees that City shall indemnify, hold harmless and defend the County, its officials, agents and employees, from and against any and all claims, damages, losses, and expenses, including attorney's fees, arising in and from City acceptance and use of the subject property, unless such claims, damages, or losses are caused by grantor's negligent or intentional act(s).

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.

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 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 _____

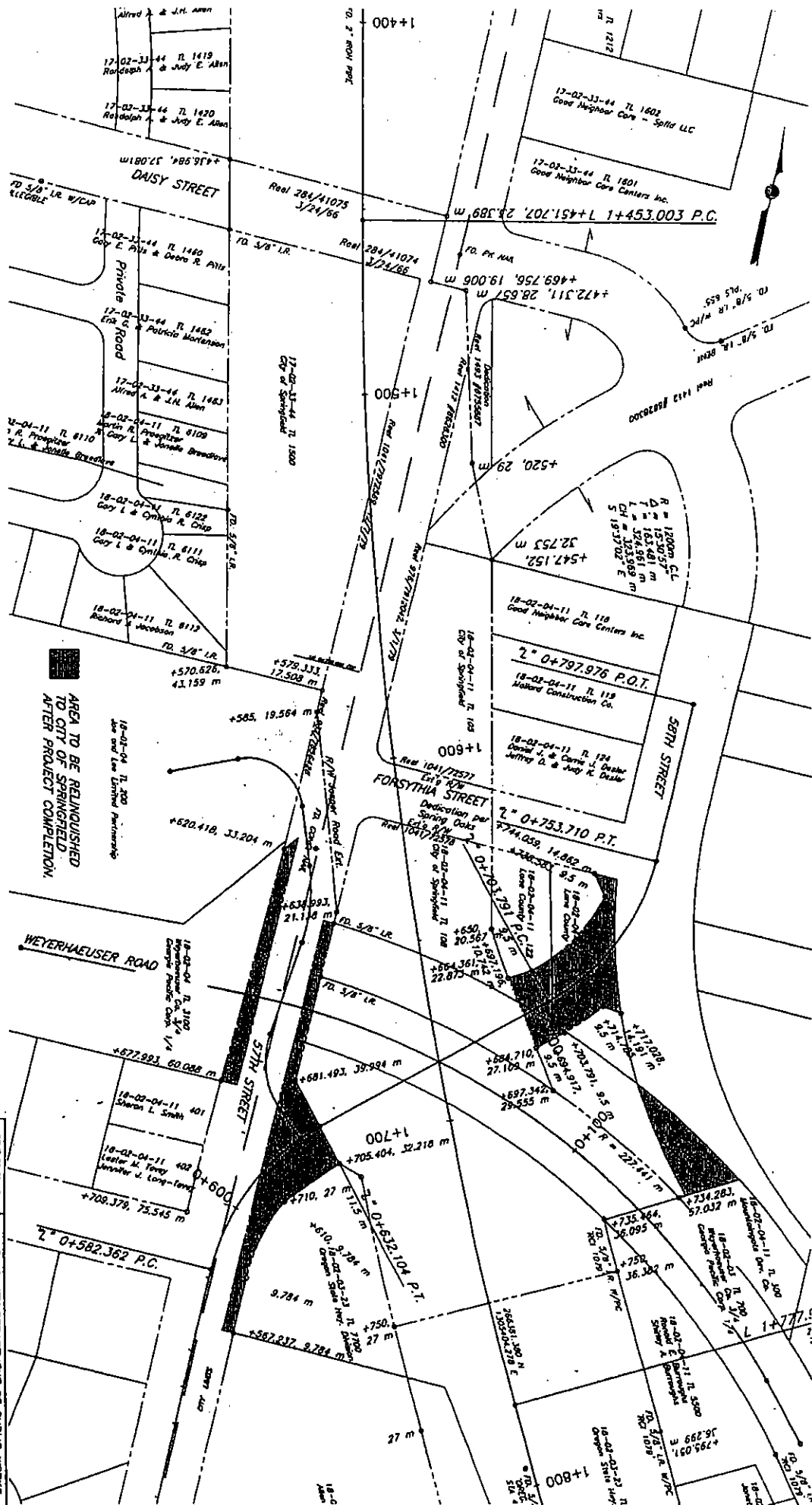
who, duly being sworn, did say that they are members of the Board of Commissioners of Lane County, Oregon and that said instrument was signed and sealed in behalf of Lane County by authority of its Board of Commissioners; and they acknowledged said instrument to be its voluntary act and deed. Before me:

Notary Public for Oregon

My Commission Expires: _____

SE 1/4 SEC 33, T17S, NE 1/4 SEC 4, T18S, R2W, WM

EXHIBIT A



LEGEND
 A = Fee Acquisition
 E = Permanent Easement
 T = Temporary Construction Easement

GRAPHIC SCALE
 1" = 330.00'

AREA TO BE RELINQUISHED TO CITY OF SPRINGFIELD AFTER PROJECT COMPLETION.



UNIT COUNTY DEPARTMENT OF PUBLIC WORKS
JASPER ROAD EXTENSION
 Highway 126 to Jasper Road
 RIGHT OF WAY NO. 1216
 SHEET P.A. CHOCKING
 COUNTY ROAD LEGAL NO. 2243
 QUANTITY NO. 1884-1 SHEET 2 OF 8