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## AGENDA COVER MEMO

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**DATE:** November 2, 2005

**TO:** Lane County Board of Commissioners

**DEPARTMENT:** Public Works

**PRESENTED BY:** Frank Simas  
Right of Way Manager

**AGENDA ITEM TITLE:** In the Matter of Authorizing the Sale of a Portion of County-Owned Real Property Identified as Tax Lot 17-03-16-41-00100 and Located on the East Side of North Game Farm Road to the State of Oregon.

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### I. MOTION

THAT THE ORDER BE ADOPTED AUTHORIZING THE SALE OF A PORTION OF THE ABOVE-REFERENCED PROPERTY TO THE STATE OF OREGON AND AUTHORIZING THE EXECUTION OF THE BARGAIN AND SALE DEED IN CONNECTION WITH SAID SALE.

### II. ISSUE OR PROBLEM

The State of Oregon has requested to purchase a portion of County-owned land lying on the east side of North Game Farm Road as right of way for I-5 Beltline Highway Interchange project. The State has offered to pay the County a consideration of \$2,850.00 for the land.

### III. DISCUSSION

#### A. Background:

The Oregon Department of Transportation is moving forward with plans for the improvement of the I-5/Beltline Highway Interchange. This is an Oregon Transportation Improvement Act (OTIA) project, and it includes replacement of the two overpass bridges that cross North Game Farm Road and the former right of way of the Brownsville branch of the Southern Pacific Railroad.

A portion of the former railroad property was needed by Lane County for the North Game Farm Road Improvement project. This land was owned by Donald Baxter and Tracy Sturgeon, and was about 1,176 feet in length with a width of 60 feet. Because the remainder of the Baxter/Sturgeon property in the immediate area was considered an uneconomic remainder, the County was required to offer to purchase it in case the owners did not want to retain it.

Because the railroad right of way was part of an operating railroad at the time the original overpass bridges were built in 1959, the state previously only acquired a Railroad Encroachment Easement that allowed the use of the airspace over the tracks and the right to place bridge supports within said right of way strip, with the railroad retaining the fee simple interest in the strip. The area that ODOT is now requesting to purchase for right of way purposes consists of the area under the bridges and an additional area to the west lying adjacent to the existing I-5 right of way line totaling about .76 acres, or about 33,153 s. f.

ODOT also owns some additional land that is located just westerly of I-5 and abuts the former railroad strip along its southwesterly side. This property is currently used as a stockpile site but will be converted for use as a drainage detention area concurrently with the construction of the interchange project, and there is County-owned excess land lying between the ODOT parcel and north Game Farm Road. ODOT has also agreed to purchase this portion of the former Baxter/Sturgeon property that abuts the ODOT stockpile site. This area contains about .39 acres, or about 16,985 s. f. The County ownership and the area proposed for purchase by ODOT are shown on the attached map.

**B. Analysis:**

The total consideration offered for the 1.15 acres of EFU-30 zoned land lying outside the Eugene Urban Growth Boundary is \$2,850.00. This offer is consistent with the value of the property as determined by an appraisal when it was purchased by the County in March, 2005.

The sale of this property to the State of Oregon is permitted pursuant to ORS 275.070, and this property is not needed for use by Lane County now or in the foreseeable future. Sale of the property will relieve the county of responsibility for its maintenance in the future. The property is a Road Fund asset, so the proceeds from the sale will be deposited in the Road fund.

**C. Alternatives/Options**

1. Approve the Order and Resolution authorizing the sale of the above-referenced property to the State of Oregon and authorize the execution of the attached Bargain and Sale Deed.

2. Deny the approval of the Order and Resolution and direct staff as to an alternate course of action.

**D. Recommendations**

Option 1.

**IV. IMPLEMENTATION/FOLLOW-UP**

Upon execution by the Board, the Bargain and Sale Deed will be transmitted to ODOT for recording, and the proceeds from the sale will be deposited in the Road Fund.

**V. ATTACHMENTS**

Bargain and Sale Deed  
Map

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

**RESOLUTION AND ORDER NO:**

**(IN THE MATTER OF AUTHORIZING THE  
(SALE OF A PORTION OF COUNTY-OWNED  
(REAL PROPERTY IDENTIFIED AS TAX LOT  
(17-03-16-41-00100 AND LOCATED ON THE  
(EAST SIDE OF NORTH GAME FARM ROAD  
(TO THE STATE OF OREGON.**

**WHEREAS**, this matter now coming before the Lane County Board of Commissioners and said Board deeming it in the best interest of Lane County to sell the following real property, to wit: a portion of Lane County Assessor's Tax Lot 17-03-16-41-00100; and

**WHEREAS**, said real property was acquired by purchase for the North Game Farm Road improvement project and not by tax foreclosure; and

**WHEREAS**, said real property is owned by Lane County, and is not needed for any public purpose; and

**WHEREAS**, said real property is needed by the State of Oregon, acting by and through the Oregon Department of Transportation (ODOT) in connection with the I-5/Beltline Interchange project; and

**WHEREAS**, ODOT has agreed to pay the County \$2,850.00 for said property; and

**WHEREAS**, the Board finds it is in the best interest of the County to sell said property to the State of Oregon for use in said project; and

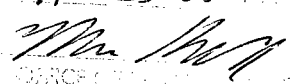
**WHEREAS**, such sales are permitted pursuant to ORS 275.070; **NOW THEREFORE**,

**IT IS HEREBY RESOLVED AND ORDERED** that the Board authorize the execution of the Bargain and Sale deed in favor of the State of Oregon, and that the proceeds of the sale be deposited in the Road Fund.

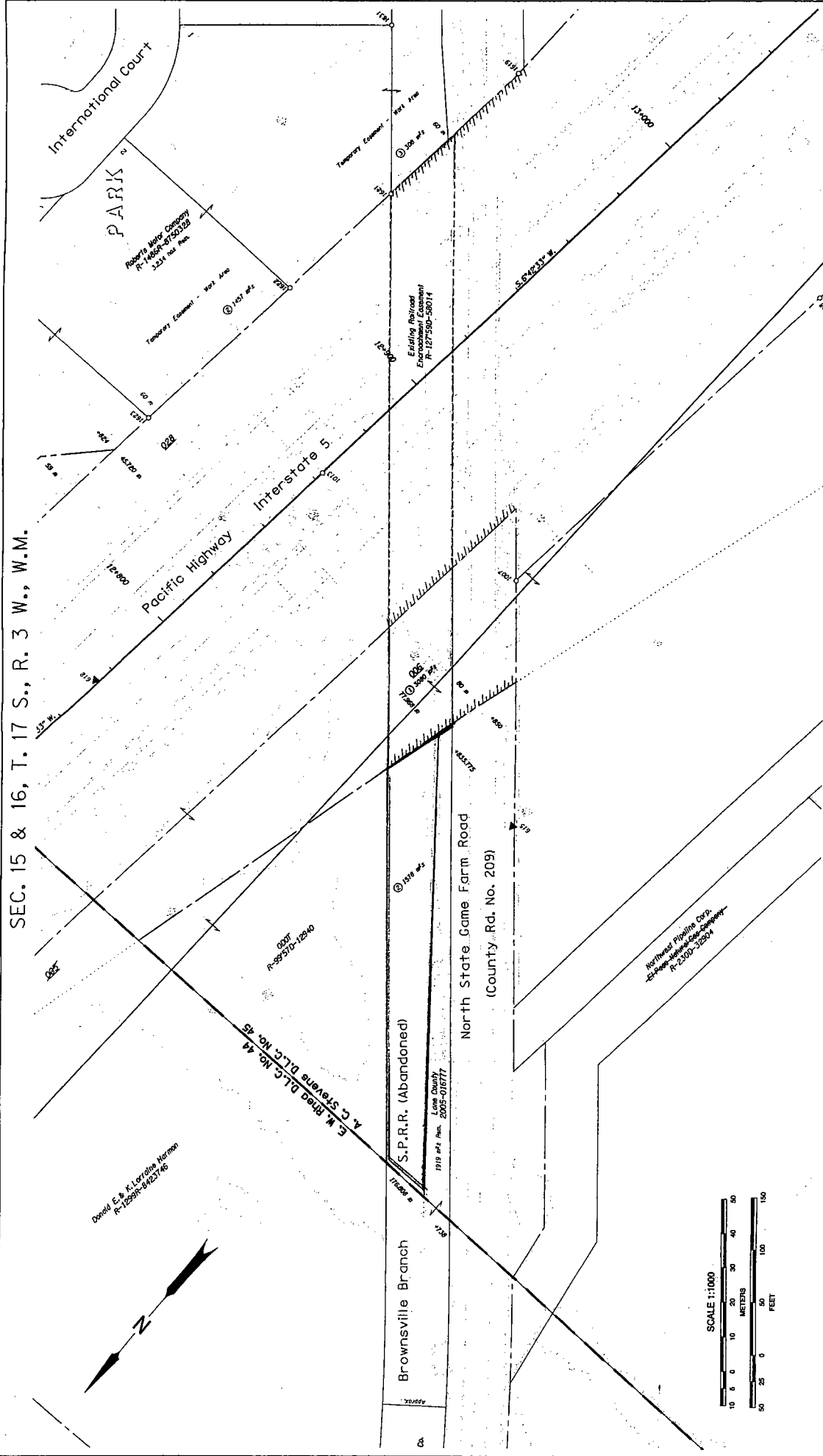
**IT IS FURTHER ORDERED** that this Resolution and Order shall be entered into the records of the Board of Commissioners of the County.

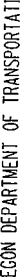
**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

APPROVED AS TO FORM  
Date: 11-23-05 Lane County  
  
CLERK OF COUNTY

SEC. 15 & 16, T. 17 S., R. 3 W., W.M.



<div>OREGON DEPARTMENT OF TRANSPORTATION</div> <div></div> <div>RIGHT OF WAY ENGINEERING</div> <div>SKETCH MAP</div>	Section	I-5: Belt Line Interchange Development Section	
	Highway	Pacific	
	County	Lane	
	Purpose	Revise RW File	
		Scale	1:1000
	Date	10/21/2005	
	File	7013 006	
	See Drawing 1A-23-8		

**BARGAIN AND SALE DEED**

**LANE COUNTY**, a political subdivision of the State of Oregon, Grantor, for the true and actual consideration of \$ 2,850.00, does convey unto the **STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION**, Grantee, fee title to the property described as **Parcels 1 and 2 on Exhibit "A" dated 10/21/2005** attached hereto and by this reference made a part hereof.

TOGETHER WITH all abutter's rights of access, if any, between the above-described Parcel 1 and Grantor's remaining real property.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

**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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.**

RETURN TO AND TAX STATEMENT TO  
OREGON DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY SECTION  
355 CAPITOL STREET NE, ROOM 420  
SALEM OR 97301-3871

Map and Tax Lot #: 17-03-16-41-0100

Property Address: North Game Farm Road  
Eugene OR 97408

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**LANE COUNTY, a political subdivision of the State of Oregon**

By \_\_\_\_\_  
Chairperson

By \_\_\_\_\_  
County Commissioner

By \_\_\_\_\_  
County Commissioner

By \_\_\_\_\_  
County Commissioner

By \_\_\_\_\_  
County Commissioner

ATTEST:

\_\_\_\_\_  
County Clerk

STATE OF OREGON, County of \_\_\_\_\_

Dated \_\_\_\_\_, 20\_\_\_\_\_. Personally appeared \_\_\_\_\_,

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,

\_\_\_\_\_, and \_\_\_\_\_, who, being sworn, stated that they are the

Chairperson, County Commissioners and County Clerk of Lane County, a political subdivision of the State of Oregon, and

that this instrument was voluntarily signed on behalf of the County by authority of an order of the Board of Commissioners.

Before me:

\_\_\_\_\_  
Notary Public for Oregon

My Commission expires \_\_\_\_\_

Accepted on behalf of the Oregon Department of Transportation

\_\_\_\_\_

**PARCEL 1 – Fee**

A parcel of land lying in the Ashley C. Stevens D.L.C. No. 45, Township 17 South, Range 3 West, W.M., Lane County, Oregon and being a portion of that property described in that Warranty Deed to Lane County; recorded March 11, 2005 as Instrument No. 2005-016777, Lane County Official Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Westerly side of the center line of the relocated Pacific Highway, which center line is described as follows:

Beginning at Engineer's center line Station 11+887.200, said station being 823.022 meters North and 412.927 meters East of the Northwest corner of the Ashley C. Stevens D.L.C. No. 45, Township 17 South, Range 3 West, W.M.; thence South 6° 42' 33" West 1812.800 meters to Engineer's center line Station 13+700.000.

The width in meters of said strip of land is as follows:

Station	to	Station	Width on Westerly Side of Center Line
12+610.000		12+850.000	45.720 in a straight line to 80.000
12+850.000		13+200.000	80.000 in a straight line to 145.500

ALSO that portion of said property lying on the Easterly side of said center line.

Bearings are based upon the Oregon Coordinate System of 1983(91), south zone.

This parcel of land contains 3080 square meters, more or less.



**PARCEL 2 – Fee**

A parcel of land lying in the Ashley C. Stevens D.L.C. No. 45, Township 17 South, Range 3 West, W.M., Lane County, Oregon and being a portion of that property described in that Warranty Deed to Lane County; recorded March 11, 2005 as Instrument No. 2005-016777, Lane County Official Records; the said parcel being that portion of said property lying Southerly of the Northerly line of the Ashley C. Stevens D.L.C. No. 45, Westerly of Parcel 1 and Northeasterly of the following described line:

Beginning at a point opposite and 176.808 meters Westerly of Engineer's Station 12+738.000 on the center line of the relocated Pacific Highway; thence Southeasterly in a straight line to a point on the Westerly line of Parcel 1, said point being opposite and 77.968 meters Westerly of Engineer's Station 12+835.775 on said center line.

The center line of the relocated Pacific Highway referred to herein is described in Parcel 1.

This parcel of land contains 1578 square meters, more or less.