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Memorandum Date: July 13, 2009
Order Date: August 19, 2009

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 Board (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. 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.

SUB proposes to install a replacement line to be fed from an existing 8" water line located within 17th Avenue near the main entrance to the site. This proposed line will run along the easterly property line of the County property and will connect with existing County-owned piping.

The proposed easement is 30 feet in width and is in an area that is currently encumbered with an electric distribution line. The existing chain link security fencing is approximately 8.5 feet inside the property; and if the proposed water line was to be installed outside the fence between the fence and the property line, it would be necessary to take out an existing row of filbert trees which serves as a buffer for the CRS. The 30-foot width will extend the easement 21.5 feet inside the fence line and provide adequate clearance between the electrical line and the water line should either one need to be dug up in the future. The location and configuration of the proposed easement is shown on 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 near the east boundary of the property is such that it can 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, if desired.

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

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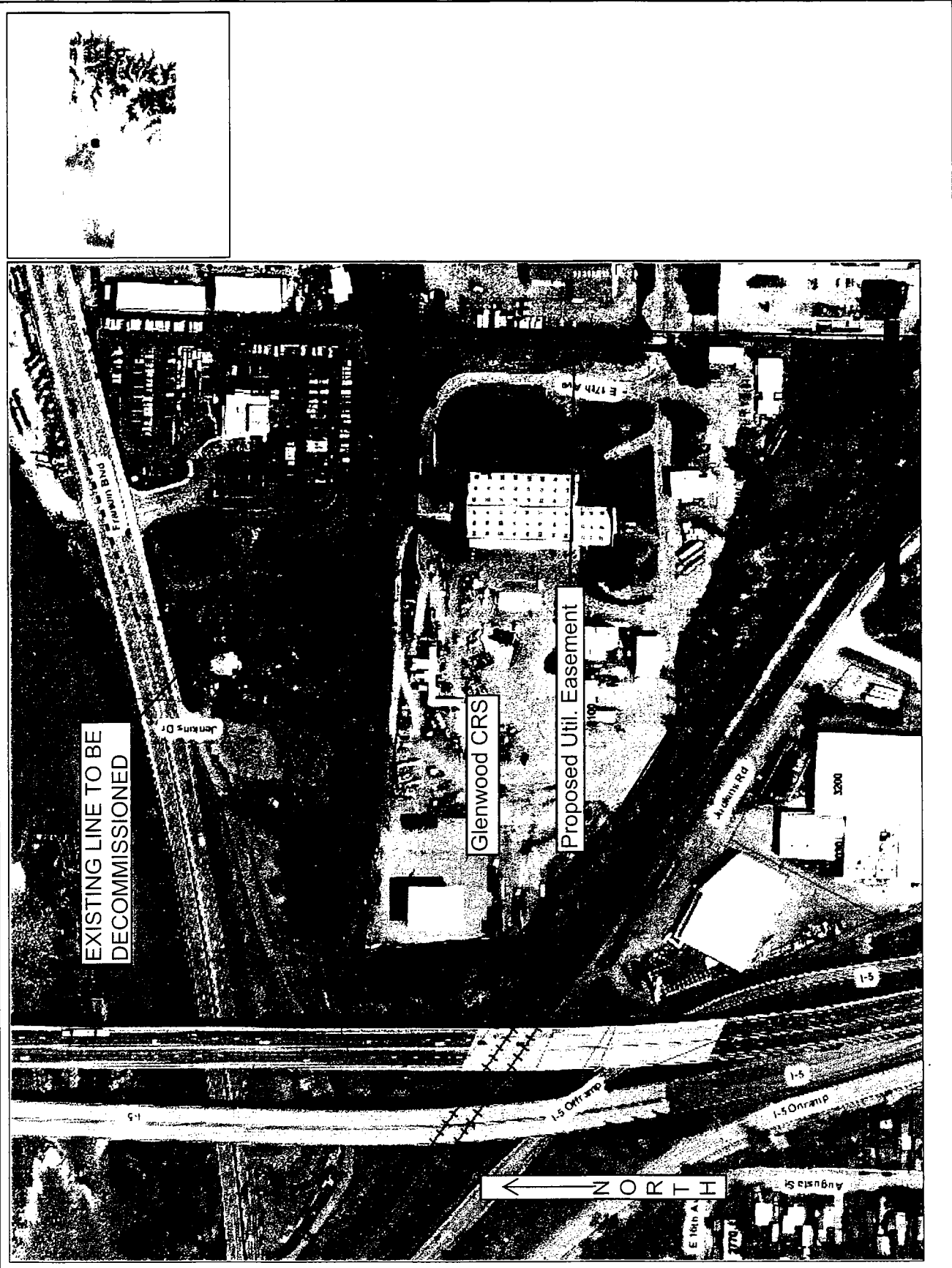
N. A.

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 Water Utility Easement

**IN 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 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 30 feet in 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

NOW THEREFORE,

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

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

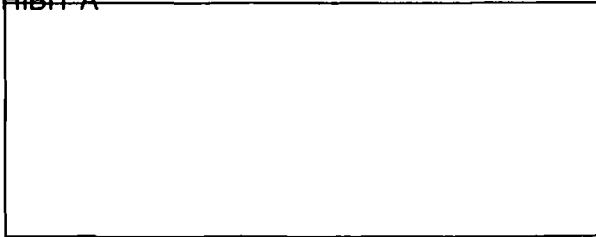
DATED this _____ day of _____, 2009.

APPROVED AS TO FORM

Date: 7-31-09 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 acknowledged, 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:

This easement to cover a strip of land 30.00 feet wide along the East property line beginning at the northeast corner, thence South to a point marking the Northerly right of way of East 17th Ave of that certain property conveyed to Lane County by deed recorded on Reel 806R, document number 7640388, Lane County Deeds and Records, August 6, 1976.

Containing more or less 0.35 acres.

As shown on Exhibit "A" attached.

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

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:

Springfield Utility Board accepts this easement.

Notary Public for Oregon
My Commission Expires: _____

Signed by: _____
 Doug Keeler
 Director - Water Division

