



AGENDA CHECKLIST

Account Code

3

AGENDA INFORMATION TO BE SUBMITTED TO THE BOARD OFFICE:

One Title Memo
(See APM CH.I, Sec. 2) (Photocopy of Agenda Checklist is acceptable)

Agenda Packet
One Original/Hard Copy plus One As-Complete-As-Possible copy e-mailed to Lane County Agenda Review mailbox

Material Due
Due by 5 pm Wednesday preceding the week it will be approved for inclusion on the agenda. (Check Future Agenda for due dates.)

AGENDA TITLE:

In the Matter of Approving a Revised Quitclaim Deed and Authorizing the County Administrator to Sign an Instrument of Release in Connection with the City of Lowell/St. Vincent de Paul Affordable Housing Development

DEPARTMENT

CONTACT EXT

PRESENTER EXT

AGENDA DATE:

THIS ITEM WILL INVOLVE:

- Consent Calendar
 - ORDER/Resolution
 - Ordinance/Public Hearing
 - Public Comment Anticipated? Yes No
 - Report
 - Discussion & Action
 - 1st Reading
 - 2nd Reading
 - 3rd Reading
 - Appointments
 - Committee Reports
 - Discussion Only
- Estimated Time

NOTE: DEPARTMENT MANAGER MUST SIGN OFF BEFORE SUBMITTING TO BOARD OFFICE

Department Manager: Date

Legal Staff-Review by: Date

Management Staff-Review by: Date

Human Resources-Review by (if required):

- Yes No File Note Attached?
- Yes No Information for Agenda Setting Committee Only?
- Yes No To be Distributed with Packets

INDICATE OTHER DIVISIONS/DEPARTMENTS THAT REQUIRE COPIES OF APPROVED ORDER

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T. S. C. I

Memorandum Date: November 10, 2009
Order Date: December 2, 2009

TO: Board of County Commissioners
DEPARTMENT: Public Works
PRESENTED BY: Frank Simas, Right of Way Manager
AGENDA ITEM TITLE: In the Matter of Approving a Revised Quitclaim Deed and Authorizing the County Administrator to Sign an Instrument of Release in Connection with the City of Lowell/St. Vincent de Paul Affordable Housing Development.

I. MOTION

Move approval of the Order.

II. AGENDA ITEM SUMMARY

By Order 08-5-7-7, the Board authorized an Intergovernmental Agreement (IGA) with the City of Lowell regarding the release of County Road Fund restrictions for a parcel of land owned by the City of Lowell and the sale of an additional parcel of land to the City that had not been previously conveyed, so that the City may subdivide the land for use in connection with an affordable housing project. One of the conveyance documents executed by the Board pursuant to the IGA needs to be modified prior to close of escrow due to changes in the proposed layout of the subdivision, and one additional agreement concerning the release of restrictions retained by the Corps needs to be signed to complete title clearance on this land formerly owned by Lane County.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

In 1965 the Corps quitclaimed certain lands in the City of Lowell to Lane County. The lands quitclaimed were portions of land that were acquired by the Corps in connection with the construction of Dexter Dam and Lookout Point Dam.

Pursuant to Order 91-1-2-17, the County relinquished to the City of Lowell by quitclaim deed, a portion of the lands conveyed to the County by the Corps. The land was relinquished to the City at no cost, as provided by ORS 271.330, but because it was originally acquired using County road funds, the deed contained language and covenants restricting the land to public road purposes.

The City is now to partnering with St. Vincent de Paul Society of Lane County to develop an affordable housing subdivision to allow the construction of single-

family dwellings for low and moderate income families in Lane County. Lane County is participating in the construction of road-related improvements for the proposed subdivision as authorized by the Board Adoption of the 2008/09 – 2012/13 Capital Improvement Program by Order 08-5-7-14.

The documents previously authorized by the Board included a quitclaim deed releasing the Road Fund restrictions that were imposed on the previously-conveyed property and a bargain and sale deed conveying an additional parcel comprising approximately 0.50 acre that was still in County ownership and is needed for the proposed subdivision.

The quitclaim deed excepted a specifically-described 60 foot-wide area to be used as right of way for the proposed subdivision street (Wetlau Drive) from the restriction release due to the fact that it was not necessary to release this area that will continue to be used for street purposes. Therefore, no payment was required to be made in order to reimburse the Road Fund for this area.

In completing the final design of the subdivision and the proposed access street, it was necessary to narrow the width of the proposed street from 60 feet in width to 50 feet width over a long tangent section in order to allow better utilization of the land on the south side of the street and to take advantage of existing topography.

Narrowing of the area to be used for street purposes increased the area of restriction release and therefore decreased the area of continued road restrictions from 1.08 acres to 0.91 acres, a decrease of 0.17 acres. The revised quitclaim deed is attached hereto and marked as "Exhibit A".

Consistent with the requirement to reimburse the Road Fund for the residual value of the land converted to residential use, it would ordinarily be required to increase the compensation the City is paying for the release portion of this transaction from the previously appraised amount of \$55,650.

Due to current market conditions and the resultant decrease in the values of residential properties (particularly development parcels) it is concluded that the net change in consideration attributable to this additional area to be released, either up or down is *de minimus*, and would therefore not justify the staff time to update the appraisal in order to quantify.

An Instrument of Release in the form shown as "Exhibit B" has been prepared by the Portland District Office of the Corps. This document, when executed on behalf of Lane County, will release the Corps restrictions on all of the Land previously conveyed to Lane County by the Corps so that in turn, the Bargain

and Sale Deed and Quitclaim deed will convey all of the County's interest in the land in an unrestricted state.

The legal description for the Bargain and Sale Deed was not affected by the change in location of the street so the previously-executed document remains valid and sufficient for escrow closing.

The proposed IGA calls for the City to pay to Lane County a total of \$74,900 for the rights to be acquired, consisting of \$55,650 for the release of the Road Fund restrictions and \$19,250 for unrestricted conveyance of Lane County's rights to the approximate 0.50 acre bargain and sale deed property.

Upon approval, the deeds will be placed in escrow pending satisfaction of all contingencies.

B. Policy Issues

This property is not needed for use by Lane County now or in the foreseeable future. The consideration proposed under the terms of the IGA will provide full reimbursement to the Road Fund based on the staff appraisal.

C. Board Goals

This project addresses the County Goal of contributing to "appropriate community development in the area of transportation and telecommunications infrastructure, housing, growth management and land development."

D. Financial and/or Resource Considerations

This property is a Road Fund asset, and upon close of escrow, the proceeds from the sale will be deposited in the Road Fund.

IV. Analysis

ORS 271.310 and ORS 275.030 provide for direct sales of such property if the property was not acquired by foreclosure for non-payment of property taxes and the county governing body deems it not to be in the best interest of the county to sell and convey the property by means of a Sheriff's auction.

Execution of the revised quitclaim deed and the Instrument of release is consistent with the intent of the previously-authorized IGA and the agreed-upon total consideration of \$74,900.00 will provide full reimbursement to the Road Fund as noted above.

V. Alternatives/Options

1. Approve the Order authorizing the execution of the revised quitclaim deed as shown as "Exhibit A" and execution of the Instrument of Release by the County Administrator in substantially the form as shown as "Exhibit B."
2. Deny the Order and direct staff otherwise.

VI. TIMING/IMPLEMENTATION

If the Board approves the Order, Public Works staff will place the documents in escrow. When all conditions necessary for closing have been satisfied, the proceeds from the sale will be deposited in the Road Fund.

VII. RECOMMENDATION

Option 1.

VIII. FOLLOW-UP

N. A.

IX. ATTACHMENTS

"Exhibit A" – Quitclaim Deed

"Exhibit B" – Instrument of Release

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

ORDER NO.

(**IN THE MATTER OF APPROVING A**
(**REVISED QUITCLAIM DEED AND**
(**AUTHORIZING THE COUNTY**
(**ADMINISTRATOR TO SIGN AN**
(**INSTRUMENT OF RELEASE IN**
(**CONNECTION WITH THE CITY OF**
(**LOWELL/ST. VINCENT DE PAUL**
(**AFFORDABLE HOUSING DEVELOPMENT**

WHEREAS, pursuant to Order 08-5-7-7 the Board authorized an Intergovernmental Agreement (IGA) with the City of Lowell regarding the City of Lowell/St. Vincent de Paul affordable housing development in the City of Lowell; and

WHEREAS, the IGA authorized that a quitclaim deed and a bargain and sale deed be executed in order to release road fund restrictions on land previously conveyed to the City of Lowell by Lane County and to convey an additional parcel of land needed for the housing development; and

WHEREAS, during the design phase of the proposed subdivision development, it was necessary to narrow the width of the proposed street, thereby necessitating a revision of the legal description of the quitclaim deed releasing the Lane County Road Fund restrictions and;

WHEREAS, in order to complete title clearance on the land conveyed to the City, it is necessary that Lane County accept release of the restrictions previously imposed on the land by the US Army Corps of Engineers in the form of an Instrument of Release prior to the deeds from Lane County to the City; and

WHEREAS, ORS 275.030(2) allows the sale of property or interest therein in the manner provided in ORS Chapter 271 if the real estate was not acquired by foreclosure for nonpayment of real property taxes and if the Board determines that the public interest will be furthered; and

WHEREAS, said real property is not needed for any public purpose, and the sale of said property would benefit Lane County by its return to the tax rolls and would promote the development of low and moderate-income housing within the County and is therefore in the best interest of the County; and

WHEREAS, as the City of Lowell has previously agreed to purchase the release of the Road Fund Restrictions and to purchase the County's interest in an additional 0.50 acre not previously conveyed to the City for a total consideration of \$74,900 in accordance with an appraisal completed by Lane County staff, and Lane County staff has determined that the small increase in area included in the restriction release will result in either no or only a *de minimis*, increase in the appraised value of the rights to be conveyed due to current market conditions, and that therefore no additional

compensation is necessary so that the Road Fund may be fully reimbursed for this conversion of land to residential purposes;

NOW THEREFORE BE IT

ORDERED that a revised quitclaim deed be executed as shown as "Exhibit A" and that the County Administrator is hereby authorized to sign an Instrument of Release in substantial conformance with the attached "Exhibit B", that the County Administrator is authorized to sign any documents necessary for the closing of the transaction in escrow, and that upon the receipt of the proceeds from the sale they be deposited in the Road Fund.

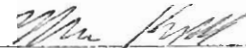
IT IS ALSO FURTHER ORDERED that this Order shall be entered into the records of the Board of Commissioners of the County.

DATED this _____ day of _____, 2009.

Pete Sorenson, Chair,
Board of County Commissioners

APPROVED AS TO FORM

Date 11-20-09 Lane county



OFFICE OF LEGAL COUNSEL

After Recording Return to, and
Send Tax Statements to:

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

QUITCLAIM DEED

LANE COUNTY, a political subdivision of the State of Oregon, hereinafter called GRANTOR, pursuant of Order No. 08-5-7-7 of the Board of County Commissioners of Lane County, for the true and actual consideration of **\$55,650.00 dollars**, does hereby release and quitclaim to **CITY OF LOWELL, an Oregon Municipal Corporation**, all of that restriction as set forth in that certain deed recorded April 22, 1993 on Reel 1842R, Recorder's Reception Number 9323904, LANE COUNTY OREGON DEED RECORDS, said restriction being "City, by acceptance of this grant, hereby declares that it has full knowledge that the subject real property conveyed by this grant was acquired with road funds of Lane County and hereby accepts the legal obligations and restrictions of use of the property for public road purposes as provided for under Oregon law and this grant", in that real property situated in Lane County, State of Oregon, described as follows:

A parcel of land lying in the Southeast one-quarter of the Northwest one-quarter (SE ¼ NW ¼) of Section 14, Township 19 South, Range 1 West of the Willamette Meridian, Lane County, Oregon, and being a portion of that tract of land conveyed to CITY OF LOWELL, an Oregon Municipal Corporation, by that certain deed recorded April 22, 1993, on Reel 1842, Recorder's Reception Number 9323904, LANE COUNTY OREGON DEED RECORDS, and being within that portion of that tract of land as described in **EXHIBIT "A"**, attached hereto and incorporated herein by reference.

EXCEPT: That portion lying within that tract of land described in **EXHIBIT "B"**, attached hereto and incorporated herein by reference.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

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: _____

**LANDS
OF
CITY OF LOWELL**

SITUATED IN THE CITY OF LOWELL, LANE COUNTY, STATE OF OREGON IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 19 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A PORTION OF THE LANDS THAT WERE CONVEYED AS "PARCEL 23A" IN THAT CERTAIN QUITCLAIM DEED FROM SOUTHERN PACIFIC COMPANY TO THE UNITED STATES OF AMERICA THAT WAS RECORDED DECEMBER 13, 1960 IN REEL 164'60D AT RECEPTION NUMBER 18005 IN THE OFFICIAL RECORDS OF LANE COUNTY, STATE OF OREGON. THE PERIMETER BOUNDARY OF SAID PORTION IS DESCRIBED MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST MARGIN OF HYLAND LANE (A 60.00-FOOT WIDE PUBLIC RIGHT-OF-WAY) WITH THE NORTHEAST LINE OF AFORESAID "PARCEL 23A" (REC. NO. 18005) AS SAID INTERSECTION IS SHOWN ON THE PLAT OF "MEADOWS ADDITION" THAT WAS RECORDED AUGUST 10, 1910 IN BOOK 4 AT PAGE 56 IN THE PLAT RECORDS OF LANE COUNTY, STATE OF OREGON AND WHICH POINT OF BEGINNING LIES 150.00 FEET LEFT OF OREGON EASTERN RAILWAY ENGINEER'S STATION "R" 1254+58.09 POT (MORE OR LESS); THENCE, LEAVING SAID POINT OF BEGINNING AND RUNNING ALONG THE NORTHEAST LINES OF SAID "PARCEL 23A" (REC. NO. 18005) THE FOLLOWING SIX NUMBERED COURSES: (1) ALONG A LINE THAT IS PARALLEL WITH AND 150.00 FEET NORTHEASTERLY, BY PERPENDICULAR MEASUREMENT, FROM THE LOCATED LINE ("R" LINE) OF SAID OREGON EASTERN RAILWAY, SOUTH 68° 36' 42" EAST 643.11 FEET TO A POINT OF TANGENT CURVATURE TO THE LEFT THAT LIES 150.00 FEET LEFT OF ENGINEER'S STATION "R" 1261+01.20 PC AS SAID NORTH LINE AND STATION ARE SHOWN ON THE SURVEY MAP BY RICHARD P. HANKINS THAT WAS FILED JUNE 30, 1993 AS COUNTY SURVEY FILE NUMBER 31330 IN THE OFFICE OF THE COUNTY SURVEYOR OF LANE COUNTY, STATE OF OREGON; (2) ALONG SAID TANGENT CURVATURE TO THE LEFT, HAVING A RADIUS CENTER THAT BEARS NORTH 21° 23' 18" EAST 5579.58 FEET, A CENTRAL ANGLE OF 6° 59' 17" AND A LONG CHORD OF SOUTH 72° 06' 20" EAST 680.08 FEET, AN ARC DISTANCE OF 680.51 FEET TO A POINT OF NON-TANGENT LINE THAT LIES 150.00 FEET LEFT OF ENGINEER'S STATION "R" 1268+00.00 POC; (3) LEAVING LAST SAID PARALLEL LINE AND RADIAL TO THE CENTER OF LAST CURVE, SOUTH 14° 24' 01" WEST 100.00 FEET TO A POINT OF NON-TANGENT CURVATURE TO THE LEFT THAT LIES 50.00 FEET LEFT OF ENGINEER'S STATION "R" 1268+00.00 POC; (4) ALONG A LINE THAT IS PARALLEL WITH AND 50.00 FEET NORTHEASTERLY, BY PERPENDICULAR MEASUREMENT, FROM SAID "R" LINE AND ALONG SAID NON-TANGENT CURVATURE TO THE LEFT, HAVING A RADIUS CENTER THAT BEARS NORTH 14° 24' 01" EAST 5679.58 FEET, A CENTRAL ANGLE OF 4° 10' 43" AND A LONG CHORD OF SOUTH 77° 41' 20" EAST 414.13 FEET, AN ARC DISTANCE OF 414.22 FEET TO A POINT OF TANGENT LINE THAT LIES 50.00 FEET LEFT OF ENGINEER'S STATION "R" 1272+17.87 PT; (5) ALONG SAID TANGENT LINE, SOUTH 79° 46' 42" EAST 546.30 FEET TO A POINT THAT LIES 50.00 FEET LEFT OF ENGINEER'S STATION "R" 1277+64.17 TS AND THE BEGINNING OF AN OFFSET SPIRAL CURVE TO THE RIGHT THAT LIES 50.00 FEET NORTHEASTERLY, BY PERPENDICULAR MEASUREMENT, OF A SPIRAL CURVE THAT HAS A RADIUS OF 2864.93 FEET, A SPIRAL LENGTH OF 210.00 FEET, A SPIRAL CENTRAL ANGLE OF 11° 00' 00" AND A SPIRAL LONG CHORD OF SOUTH 79° 04' 42" EAST 209.99 FEET; AND (6) ALONG SAID OFFSET SPIRAL, WHICH OFFSET HAS A LONG CHORD OF SOUTH 79° 40' 21" EAST 81.86 FEET, TO THE SOUTHEAST CORNER OF LOT 86 OF SAID PLAT OF "MEADOWS ADDITION"

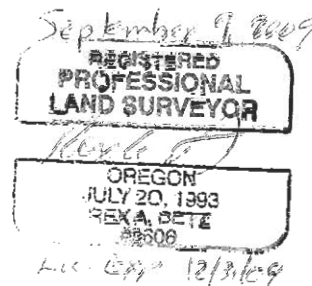
**LANDS
OF
CITY OF LOWELL**

AND NORTHEAST CORNER OF THE LANDS THAT WERE CONVEYED IN THAT CERTAIN QUITCLAIM DEED FROM LANE COUNTY TO THE CITY OF LOWELL THAT WAS RECORDED APRIL 22, 1993 IN REEL 1842R AT RECEPTION NUMBER 9323904 IN THE OFFICIAL RECORDS OF LANE COUNTY, STATE OF OREGON, WHICH CORNER LIES 50.00 FEET LEFT OF ENGINEER'S STATION "R" 1278+45.75 POS (MORE OR LESS); THENCE, ALONG THE SOUTHERLY PROLONGATION OF THE EAST LINE OF SAID LOT 86 AND EAST LINE OF SAID LANDS THAT WERE QUITCLAIMED TO THE CITY OF LOWELL (REC. NO. 9323904) THE FOLLOWING ONE NUMBERED COURSE: (7) SOUTH 00° 05' 57" EAST 25.31 FEET TO THE SOUTHEAST CORNER OF LAST SAID LANDS (REC. NO. 9323904) AS SAID CORNER LIES ON THE SOUTH LINE OF THE NORTH 1/2 OF SAID SECTION 14 AND LIES 25.13 FEET LEFT OF ENGINEER'S STATION "R" 1278+50.40 (MORE OR LESS); THENCE, ALONG SAID SOUTH LINE OF THE NORTH 1/2 OF SAID SECTION 14 AND SOUTH LINE OF SAID LANDS THAT WERE QUITCLAIMED TO THE CITY OF LOWELL (REC. NO. 9323904) THE FOLLOWING ONE NUMBERED COURSE: (8) SOUTH 88° 51' 02" WEST 380.15 FEET TO AN ANGLE POINT IN THE SOUTH LINE OF SAID LANDS THAT WERE QUITCLAIMED TO THE CITY OF LOWELL (REC. NO. 9323904) AS SAID ANGLE POINT LIES ON THE SOUTH LINE OF SAID "PARCEL 23A" (REC. NO. 18005), LIES ON A LINE THAT IS PARALLEL WITH AND 50.00 FEET SOUTHWESTERLY, BY PERPENDICULAR MEASUREMENT, FROM AFORESAID "R" LINE, AND LIES 50.00 FEET RIGHT OF ENGINEER'S STATION "R" 1274+77.87 (MORE OR LESS); THENCE, ALONG LAST SAID PARALLEL LINE AND ALONG THE SOUTH LINES OF SAID "PARCEL 23A" (REC. NO. 18005) AND SAID LANDS THAT WERE QUITCLAIMED TO THE CITY OF LOWELL (REC. NO. 9323904), THE FOLLOWING ONE COURSE: (9) NORTH 79° 46' 42" WEST 260.00 FEET TO A POINT OF TANGENT CURVATURE TO THE RIGHT THAT LIES 50.00 FEET RIGHT OF ENGINEER'S STATION "R" 1272+17.87 PT (MORE OR LESS); THENCE, CONTINUING ALONG SAID SOUTH LINE OF "PARCEL 23A" (REC. NO. 18005) AND ITS NORTHWESTERLY PROLONGATION, WHICH PROLONGATION IS COMMON WITH THE SOUTHWEST LINE OF SAID LANDS THAT WERE CONVEYED IN THE QUITCLAIM DEED FROM LANE COUNTY TO THE CITY OF LOWELL (REC. NO. 9323904), THE FOLLOWING ONE NUMBERED COURSE: (10) ALONG LAST SAID TANGENT CURVATURE TO THE RIGHT, HAVING A RADIUS CENTER THAT BEARS NORTH 10° 13' 18" EAST 5779.58 FEET, A CENTRAL ANGLE OF 11° 10' 00" AND A LONG CHORD OF NORTH 74° 11' 42" WEST 1124.63 FEET, AN ARC DISTANCE OF 1126.41 FEET TO A POINT OF TANGENT LINE; AND THENCE, CONTINUING ALONG THE SOUTHWEST AND ALONG THE WEST LINES OF SAID LANDS THAT WERE CONVEYED IN THE QUITCLAIM DEED FROM LANE COUNTY TO THE CITY OF LOWELL (REC. NO. 9323904), THE FOLLOWING FOUR NUMBERED COURSES: (11) ALONG LAST SAID TANGENT LINE NORTH 68° 36' 42" WEST 201.20 FEET TO A POINT THAT LIES 50.00 FEET RIGHT OF ENGINEER'S STATION "R" 1259+00.00; (12) NORTH 58° 31' 35" WEST 399.74 FEET TO A POINT THAT LIES 20.00 FEET LEFT OF ENGINEER'S STATION "R" 1255+06.44 POT; (13) ALONG A LINE THAT IS PARALLEL WITH AND 20.00 FEET NORTHEASTERLY, BY PERPENDICULAR MEASUREMENT, FROM AFORESAID ENGINEER'S "R" LINE, NORTH 68° 36' 42" WEST 6.45 FEET TO A POINT THAT LIES ON THE SOUTHERLY EXTENSION OF THE AFORESAID EAST MARGIN OF HYLAND LANE AND LIES 20.00 FEET LEFT OF ENGINEER'S STATION "R" 1255+00.00 POT; AND (14) ALONG LAST SAID SOUTHERLY EXTENSION OF THE AFORESAID EAST MARGIN OF HYLAND LANE, NORTH 03° 31' 17" EAST 136.59 FEET RETURNING TO THE POINT OF BEGINNING AND CONTAINING 7.77 ACRES MORE OR LESS.

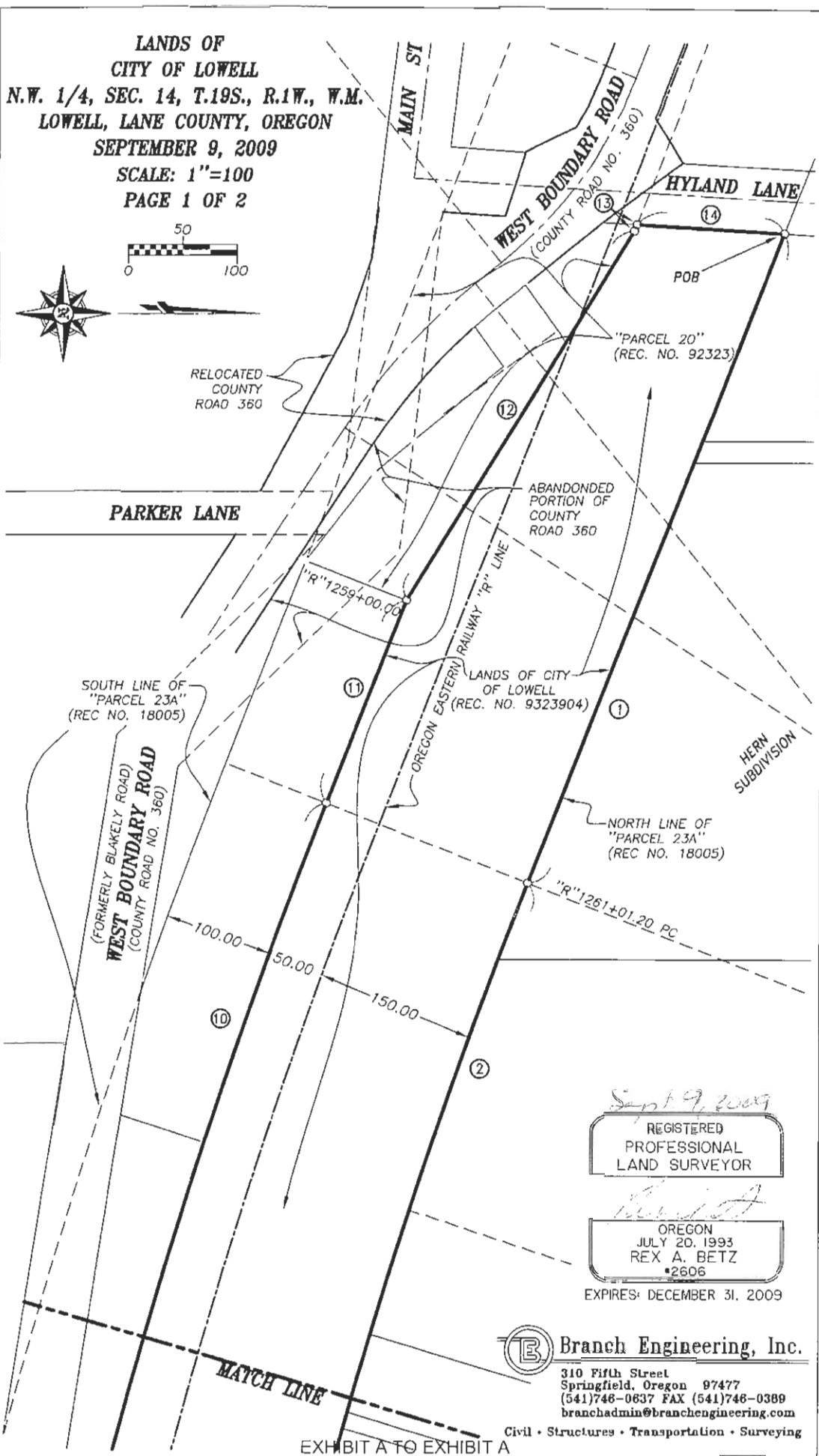
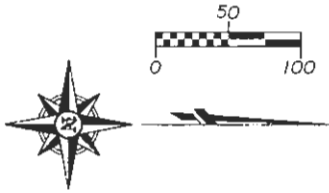
THE ABOVE DESCRIPTION IS BASED ON A FIELD SURVEY. THE BEARINGS SHOWN HEREON ARE BASED ON THOSE SHOWN ON THE SURVEY MAP BY RICHARD P. HANKINS THAT WAS FILED JUNE 30, 1993 AS COUNTY SURVEY FILE NUMBER 31330 IN THE OFFICE OF THE COUNTY SURVEYOR OF LANE COUNTY, STATE OF OREGON.

LANDS
OF
CITY OF LOWELL

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September 9, 2009
EXHIBIT A TO EXHIBIT A



LANDS OF
 CITY OF LOWELL
 N.W. 1/4, SEC. 14, T.19S., R.1W., W.M.
 LOWELL, LANE COUNTY, OREGON
 SEPTEMBER 9, 2009
 SCALE: 1"=100
 PAGE 1 OF 2



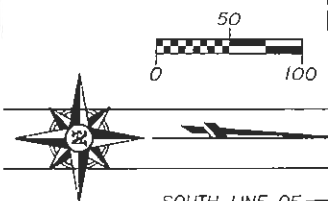
Sept 9, 2009
 REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
Rex A. Betz
 OREGON
 JULY 20, 1993
 REX A. BETZ
 #2606
 EXPIRES: DECEMBER 31, 2009

Branch Engineering, Inc.
 310 Fifth Street
 Springfield, Oregon 97477
 (541)746-0637 FAX (541)746-0389
 branchadmin@branchengineering.com

Civil • Structures • Transportation • Surveying

EXHIBIT A TO EXHIBIT A

LANDS OF
 CITY OF LOWELL
 N.W. 1/4, SEC. 14, T.19S., R.1W., W.M.
 LOWELL, LANE COUNTY, OREGON
 SEPTEMBER 9, 2009
 SCALE: 1"=100
 PAGE 2 OF 2

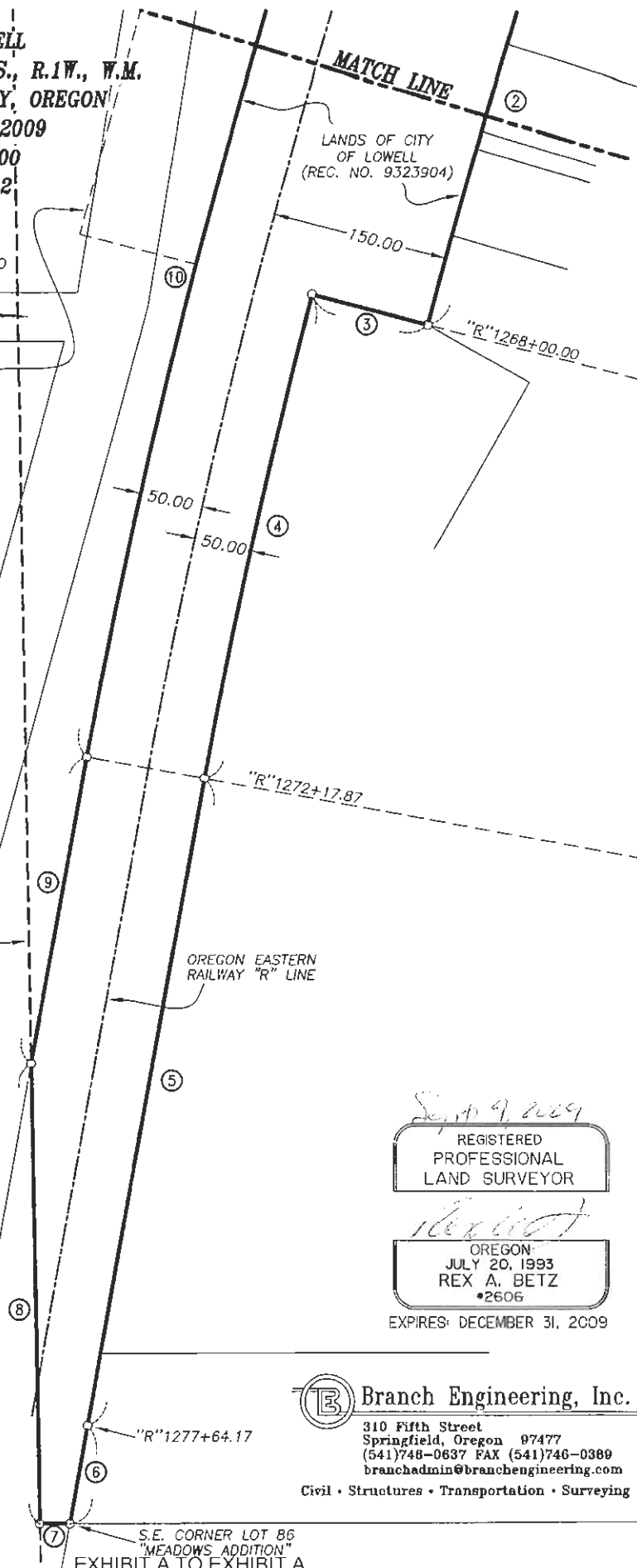


SOUTH LINE OF
 "PARCEL 23A"
 (REC. NO. 18005)

SOUTH LINE OF
 NORTH 1/2
 SECTION 14


LANDS OF CITY
 OF LOWELL
 (REC. NO. 9323904)

MATCH LINE



Sept 9, 2009
 REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

REX A. BETZ
 OREGON
 JULY 20, 1993
 REX A. BETZ
 #2606
 EXPIRES: DECEMBER 31, 2009

 **Branch Engineering, Inc.**
 310 Fifth Street
 Springfield, Oregon 97477
 (541)748-0637 FAX (541)746-0389
 branchadmin@branchengineering.com
 Civil • Structures • Transportation • Surveying

S.E. CORNER LOT 86
 "MEADOWS ADDITION"
 EXHIBIT A TO EXHIBIT A

**FUTURE 60.00-FOOT/50.00 FOOT WIDE
PUBLIC RIGHT-OF-WAY
THAT PASSES THROUGH LANDS OF LANE COUNTY AND CITY OF LOWELL**

SITUATED in the City of Lowell, Lane County, State of Oregon in the Northwest 1/4 of Section 14, Township 19 South, Range 1 West of the Willamette Meridian and more particularly described as follows:

BEING a portion of (I) the lands that were conveyed as "Parcel 20" in that certain QuitClaim Deed from the United States of America to Lane County that was recorded February 15, 1965 in Reel 259D at Reception Number 92323 in the Official Records of Lane County, State of Oregon and (II) the lands that were conveyed in that certain QuitClaim Deed from Lane County to the City of Lowell that was recorded April 22, 1993 in Reel 1842R at Reception Number 9323904 in the Official Records of Lane County, State of Oregon. The perimeter boundary of said portion is described more particularly as follows:

Commencing at an angle point in the southwest line of said lands that were conveyed to the City of Lowell (Rec. No. 9323904), which point of commencement lies 50.00 Feet right of Oregon Eastern Railway Engineer's Station "R" 1259+00.00 and is shown on the Survey Map by Richard P. Hankins that was filed June 30, 1993 as County Survey File Number 31330 in the Office of the County Surveyor of Lane County, State of Oregon; Thence, leaving said point of commencement and said southwest line, along the following one lettered course: (A) South 21° 23' 18" West 100.00 Feet along the southeast line of said "Parcel 20" (Rec. No. 92323) to the southeast corner of said "Parcel 20", crossing into the abandoned portion of West Boundary Road (County Road Number 360)(formerly Blakely Road) as said road is shown on Lane County Department of Public Works survey of the relocation of Blakely Road (County Road Number 360) dated October 1965 as filed under Index No. 103-8 in the office of the County Surveyor of Lane County, State of Oregon, which point lies 150.00 feet right of Engineer's Station "R" 1259+00.00 and lies northerly of the north margin of the relocated north margin of said West Boundary Road as said relocated margin is shown on said survey (Index No. 103-8) and called in Lane County Board of Commissioners Order No. 2565 that was filed January 7, 1966 in Reel 28 at Page 11 in the Department of Records and Elections of Lane County; Thence, crossing into said "Parcel 20" (Rec. No 92323) and running northerly of said relocated north margin of West Boundary Road, along the following two lettered courses: (B) continuing through the aforesaid abandoned portion of West Boundary Road, North 52° 23' 45" West 102.12 Feet to a point that lies 121.48 feet right of Engineer's Station "R" 1258+01.95 and (C) North 39° 45' 00" West 155.00 Feet leaving said abandoned portion of West Boundary Road to a point that lies 46.67 feet right of Engineer's Station "R" 1256+66.20 which point is the **TRUE POINT OF BEGINNING** of the lands described herein; **THENCE**, leaving said **TRUE POINT OF BEGINNING** southwesterly along the following one numbered course: (1) SOUTH 54° 00' 00" WEST 45.00 FEET to a point of non-tangent curvature to the right that lies 30.00 feet left of Lane County Engineer's Centerline Station "L" 12+52.11, more or less; **THENCE**, along said relocated north margin of West Boundary Road, the following three numbered courses: (2) along said non-tangent curvature to the right, having a radius center that bears NORTH 48° 24' 46" EAST 542.96 Feet, a central angle of 2° 39' 02" and a long chord of NORTH 40° 15' 43" WEST 25.12 Feet, an arc distance of 25.12 FEET to a point of tangent line that lies 30.00 feet left of Lane County Engineer's Centerline Station "L" 12+25.60 PC; (3) along said tangent line NORTH 38° 56' 12" WEST 30.37 FEET to a point that lies 30.00 feet left of Lane County Engineer's Centerline Station "L" 11+95.23 PT; and (4) NORTH 38° 56' 35" WEST 4.63 FEET to a point that lies on a line that is parallel with and 60.00 feet northwesterly, by perpendicular measurement, from aforesaid Course Number "1" that has a bearing and distance of "South 54° 00' 00" West 45.00 Feet" and also lies approximately 30.02 feet left of Lane County Engineer's Centerline Station "L" 11+90.92; **THENCE** leaving said relocated north margin of West Boundary Road and along the following two numbered courses: (5) along last said parallel line NORTH 54° 00' 00" EAST 51.50 FEET to a point of tangent curvature to the right; and (6) along said tangent curvature to the right, having a radius center that bears SOUTH 36° 00' 00" EAST 130.00 Feet, a central angle of 5° 53' 06" and a long chord of NORTH 56° 56' 33" EAST 13.35 Feet, an arc distance of 13.35 FEET to a point of non-tangent line that lies on the aforesaid

**FUTURE 60.00-FOOT/50.00-FOOT WIDE
PUBLIC RIGHT-OF-WAY
THAT PASSES THROUGH LANDS OF LANE COUNTY AND CITY OF LOWELL**

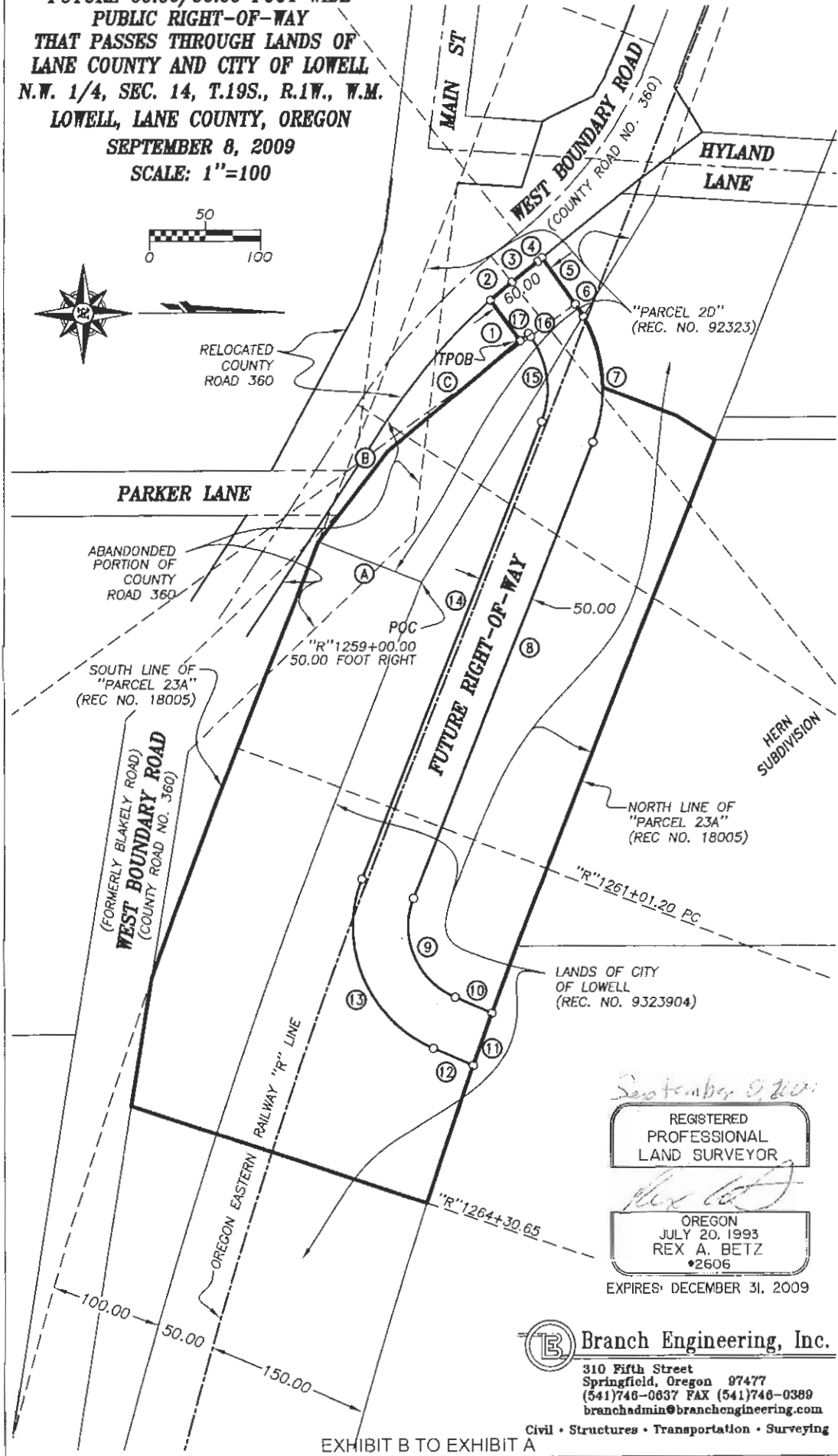
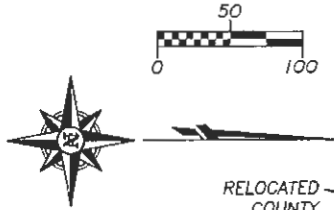
southwest line of the lands that were conveyed to the City of Lowell (Rec. No. 9323904), which point lies 1.08 feet right of Oregon Eastern Railway Engineer's Station "R" 1256+24.95; **THENCE**, crossing said lands that were conveyed to the City of Lowell (Rec. No. 9323904) along the following four numbered courses: (7) continuing along last said curvature to the right, an additional central angle of 51° 30' 12" and chord of North 85° 38' 12" East 112.96 Feet, an arc distance of 116.86 FEET to a point of tangent line; (8) along said tangent line SOUTH 68° 36' 42" EAST 444.06 FEET to a point of tangent curvature to the left; (9) along said tangent curvature to the left, having a radius center that bears NORTH 21° 23' 18" EAST 70.00 Feet, a central angle of 88° 08' 18" and a long chord of NORTH 67° 19' 09" EAST 97.37 Feet, an arc distance of 107.68 FEET to a point of tangent line; and (10) along said tangent line NORTH 23° 15' 00" EAST 36.07 FEET to a point of non-tangent curvature to the left that lies on the north line of said lands that were conveyed to the City of Lowell (Rec. No. 9323904); **THENCE**, along said north line the following one numbered course: (11) along said non-tangent curvature to the left, having a radius center that bears NORTH 19° 56' 37" EAST 5579.58 Feet, a central angle of 0° 30' 52" and a long chord of SOUTH 70° 18' 49" EAST 50.10 Feet, an arc distance of 50.10 FEET to a point of non-tangent line, which line lies parallel with and 50.00 feet easterly, by perpendicular measurement from aforecalled course number "10"; **THENCE**, crossing said lands that were conveyed to the City of Lowell (Rec. No. 9323904) along the following three numbered courses: (12) along said non-tangent line and parallel line, SOUTH 23° 15' 00" WEST 39.18 FEET to a point of tangent curvature to the right that lies on a curve that is concentric with and 50.00 feet southerly, by radial measurement, from aforecalled course number "9"; (13) along said tangent and concentric curvature to the right, having a radius center that bears NORTH 66° 45' 00" WEST 120.00 Feet, a central angle of 88° 08' 18" and a long chord of SOUTH 67° 19' 09" WEST 166.93 Feet, an arc distance of 184.60 FEET to a point of tangent line that is parallel with and 50.00 feet southwesterly, by perpendicular measurement, from aforecalled course number "8"; and (14) along said tangent and parallel line, NORTH 68° 36' 42" WEST 444.06 FEET to a point of tangent curvature to the left that lies on a curve that is concentric with and 50.00 feet southerly, by radial measurement, from aforecalled course numbers "7" and "6"; **and THENCE**, crossing into aforesaid lands that were conveyed as "Parcel 20" in Reception Number 92323 along the following three numbered courses: (15) along said tangent and concentric curvature to the left, having a radius center that bears SOUTH 21° 23' 18" WEST 80.00 Feet, a central angle of 57° 23' 18" and a long chord of SOUTH 82° 41' 39" WEST 76.82 Feet, an arc distance of 80.13 FEET to a point of tangent line that is parallel with and 50.00 feet southeasterly, by perpendicular measurement, from aforecalled course number "5"; (16) along said tangent and parallel line, SOUTH 54° 00' 00" WEST 3.49 FEET to a point on a line that bears North 39° 45' 00" West from the **TRUE POINT OF BEGINNING**; and (17) along last said line, SOUTH 39° 45' 00" EAST 10.02 FEET **RETURNING** to the **TRUE POINT OF BEGINNING** and **CONTAINING** 39,609 Square Feet (0.91 Acres) more or less.

The above description is based on a field survey. The bearings shown hereon are based on those shown on the Survey Map by Richard P. Hankins that was filed June 30, 1993 as County Survey File Number 31330 in the Office of the County Surveyor of Lane County, State of Oregon. Bearings taken from other filed maps and recorded documents were rotated as necessary.

September 8, 2009
 REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
 OREGON
 JULY 20, 1993
 REX A. BETZ
 #2606
 Rex A. Betz

**FUTURE 60.00-FOOT/50.00-FOOT WIDE
 PUBLIC RIGHT-OF-WAY
 THAT PASSES THROUGH LANDS OF LANE COUNTY AND CITY OF LOWELL**

**FUTURE 60.00/50.00 FOOT WIDE
PUBLIC RIGHT-OF-WAY
THAT PASSES THROUGH LANDS OF
LANE COUNTY AND CITY OF LOWELL
N.W. 1/4, SEC. 14, T.19S., R.1W., W.M.
LOWELL, LANE COUNTY, OREGON
SEPTEMBER 8, 2009
SCALE: 1"=100**



September 9, 2009

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 20, 1993
REX A. BETZ
#2606

EXPIRES: DECEMBER 31, 2009

Branch Engineering, Inc.
310 Fifth Street
Springfield, Oregon 97477
(541)746-0637 FAX (541)746-0389
branchadmin@branchengineering.com

Civil • Structures • Transportation • Surveying

Grantor: United States of America
PO Box 2946, Portland OR 97208

Grantee: Lane County
125 E. 8th Avenue, Eugene, Oregon
97401

After Recording, return to:
Mr. Ron Musser, Chief Real Estate
USACE, Portland District
PO Box 2946, Portland OR 97208

SPACE IS RESERVED FOR RECORDER'S USE	STATE OF OREGON
	County of LANE } ss
	I certify that the within instrument was received for recording on _____ at _____ o'clock ____ M., and recorded in book/reel/volume No. _____ page _____ and/or as fee/file/instrument/microfilm/reception No. _____, Records of this County.
	Witness my hand and seal of County affixed
	NAME _____ TITLE _____
	By _____, Deputy

INSTRUMENT OF RELEASE

THIS INSTRUMENT OF RELEASE, by and between the UNITED STATES OF AMERICA (hereinafter referred to as the "Releasor"), acting by and through the Chief of Real Estate, U.S. Army Engineer District Portland, whose mailing address is P.O. Box 2946, Portland, Oregon, 97208, pursuant to a delegation of authority from the Secretary of the Army, under the authority of the Act of Congress dated November 8, 2007, Public Law 110-114, the Water Resources Development Act of 2007, Section 3183 (hereinafter referred to as WRDA 2007); and Lane County (hereinafter referred to as the "Releasee"), a political subdivision of the State of Oregon, whose mailing address is Lane County Land Management, 125 E. 8th Avenue, Eugene, Oregon, 97401

WHEREAS, the United States of America, acting by and through Army officials disposed of land or interest in land by deed dated January 26, 1965 and recorded in the Official Records of Lane County, Oregon on February 15, 1965, in Reel 259-D at Reception Number (Deed #) 92323; (hereinafter referred to as the "Deed");

WHEREAS, this deed was made and accepted upon the following condition, which is binding upon and enforceable against the Releasee, its successors and assigns and each of them:

"That all that portion of the property conveyed lying within a parcel described as a strip of land 100 feet in width being 50 feet on each side of the center line of the former Southern Pacific Company right of way extending from the easterly terminus of the property conveyed westerly to Railroad Engineers Station 1233+74.0 shall be perpetually retained for public road purposes to meet Governmental requirements for access and unlimited heavy hauling between the Lookout Point and Dexter Dams";

WHEREAS, this deed further reserved unto the United States of America, and its assigns, the following right in the property conveyed:

"A perpetual easement and right of way along, across, over, and under the tract of land herein conveyed for operation, maintenance, rehabilitation, and/or reconstruction, with the right of access thereto, for a supervisory and/or communication cable line; provided however, that use of the property for such purposes shall not create unreasonable interference with use and enjoyment of the property by the party of the second part (the Releasee) for public road purposes";

WHEREAS, in WRDA 2007, Congress authorized the release and extinguishment of these two deed reservations over the lands conveyed in said quitclaim deed to Lane County, Oregon, within the city limits of Lowell, Oregon to accommodate the development proposals of the city of Lowell/St Vincent de Paul, Lane County, affordable housing project;

NOW THEREFORE, the Releasor does hereby release and dispose unto the Releasee, its successors and assigns, all its right, title, and interest in the land situated, lying and being in the County of Lane, in the State of Oregon, being a portion of the same land or interest in land as Parcel 20 that was conveyed by Deed dated January 26, 1965 and recorded in the Official Records of Lane County on February 15, 1965 in Reel 259-D at Reception Number (Deed #) 92323, described in Exhibit A, incorporated herein by reference.

Releasee, or its predecessors or assigns, having been in possession of the property, hereby accepts full ownership of the property "AS IS" and to the extent authorized by law, the Releasee, its successors and assigns, covenant and agree to indemnify and hold harmless the Releasor, its officers, agents, and employees from any and all claims, damages, judgments, losses, and costs, including fines and penalties, arising out of Releasee's ownership.

IN WITNESS WHEREOF, the said United States of America has caused this instrument to be executed in its name and sealed on its behalf by the duly authorized Chief of Real Estate, U.S. Army Corps of Engineers District, Portland, this _____ day of _____, 2009.

UNITED STATES OF AMERICA

Ron D. Musser
Chief of Real Estate
U.S. Army Corps of Engineers, Portland District

IN WITNESS WHEREOF, the said county, acting by and through the board of commissioners of Lane County hereby accept the terms and conditions found herein and caused by this instrument to be signed and sealed by and through its duly authorized Commissioner on behalf of the Releasee, this _____ day of _____, 2009.

LANE COUNTY

Jeff Spartz
County Administrative Officer

EXHIBIT B

ACKNOWLEDGMENT

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

Acknowledgment in a Representative Capacity

I, the undersigned, a Notary Public in and for the above noted jurisdiction, do certify that, on the day shown above, personally appeared before me, Ron D. Musser, Chief of Real Estate, U.S. Army Corps of Engineers District, Portland, personally known to me or proven through satisfactory evidence of identity to be the person whose name is subscribed to the forgoing document, who acknowledged that the signature on the document was voluntarily affixed by him for the purposes therein, on this date, and acknowledged the same for and on behalf of the UNITED STATES OF AMERICA.

Notary Public for Oregon
My Commission expires: _____

STATE OF OREGON)
) ss.
COUNTY OF LANE)

Before me, the undersigned, a Notary Public within and for said County and State, on this _____ day of _____ 2009, personally appeared Jeff Spartz who acknowledged to me that he is the County Administrative Officer for Lane County and acknowledged to me that he executed the same freely, voluntarily and with the proper authority on behalf on Lane County for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

APPROVED AS TO FORM

DATE _____ Lane County

Notary Public for Oregon
My Commissioner Expires: _____

OFFICE OF LEGAL COUNSEL