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AGENDA CHECKLIST

Account Code 225 3636 700

AGENDA INFORMATION TO BE SUBMITTED TO THE BOARD OFFICE:

One Title Memo
(See APM CH.1, 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 Authorizing the Sale of a Portion of the Glenwood Central Receiving Station Property to the State of Oregon for the Willamette River I-5 Bridge Crossing

DEPARTMENT Public Works
CONTACT Frank Simas EXT 6980
PRESENTER Frank Simas EXT 6980
AGENDA DATE: 12/9/2009

THIS ITEM WILL INVOLVE:

Consent Calendar Report Appointments Committee Reports

ORDER/Resolution Discussion & Action Discussion Only

Ordinance/Public Hearing 1st Reading 2nd Reading 3rd Reading

Public Comment Anticipated? Yes No Estimated Time 1 min.

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

Department Manager: [Signature] Date 11/15/09

Legal Staff-Review by: [Signature] Date 11-23-09

Management Staff-Review by: [Signature] Date 11/24/09

Human Resources-Review by (if required): _____ Date _____

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

Patti Hansen-Waste Mgt. Division _____

T.5.C.2.

BCC AGENDA PACKET & BOARD ORDER DISTRIBUTION LIST

Board Packet Procedures:

- 1. **Original packet in COMPLETE hard copy form:** Submit to Bill Morgan for review & approval (BCC Agenda Checklist must be printed on bright pink paper – see Christy or Lynnae for assistance, if needed).
- 2. **Electronic Copies:** send all documents (saved separately) within packet as one email to Lynnae Clark, at the same time you submit your hard copy to Bill for review. Lynnae will forward the electronic documents to Christy after Bill signs, with any revisions.
- 3. **Submission Due Date:** Two Mondays prior to the Wednesday BCC Award Date.

Agenda Title: IN THE MATTER OF AUTHORIZING THE SALE OF A PORTION OF THE GLENWOOD CENTRAL RECEIVING STATION PROPERTY TO THE STATE OF OREGON FOR THE WILLAMETTE RIVER I-5 BRIDGE CROSSING

Contact:

Frank Simas

Ext:

X6980

ENGINEERING ADMINISTRATION

- Bill Morgan (Hard Copy)
- Lynnae Clark (Electronic)
- Stephonee Freeman (Electronic)

DESIGN ENGINEERING

- Kerry Werner
- Dan Ingram
-
-

FIELD ENGINEERING

- Dave Brown
- Bill Cummings
- Jay Blomme'
-
-

ROAD MAINTENANCE

- Arno Nelson
- John Petsch
- Mike Russell
- Bill Shankle
- John Bourland
- Darrell Randall
- Jeff Smith
- Greg Boyle
- Orin Schumacher
- Vicki Gingery
- Jennifer Paugh

RIGHT-OF-WAY MANAGEMENT

- Sam Fox
- Frank Simas
- Doug Freeman
- Brad Lemhouse
- Jon Stringer

TRANSPORTATION PLANNING

- Celia Barry
- Ed Chastain
- Brian Mladenich (GIS)
- Cory Farstad
- Gary Luke
- Steve Smith
- Mark Bernard
- Shashi Bajracharya
-

OTHER

- Karen Dillin (Distribution Form)
- Patti Hansen (Packet)
- Tanya Heaton (Packet)

--- ADMINISTRATIVE USE ---

	1 st Draft	Final Draft
Date Submitted:		Nov. 16
BCC Award Date:		Dec. 9
<input type="checkbox"/> Rvw'd/Approvd by Bill:		
<input type="checkbox"/> Electronic copy to:		
<input checked="" type="checkbox"/> Christy <input checked="" type="checkbox"/> Lynnae:		
<input type="checkbox"/> Agenda -Distributed:	N/A	
<input type="checkbox"/> Board Orders Distributed:	N/A	

Memorandum Date: November 16, 2009
Order Date: December 9, 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 the Sale of a Portion of the Glenwood Central Receiving Station property to the State of Oregon for the Willamette River I-5 Bridge Crossing

I. MOTION

Move approval of the Resolution and Order.

II. AGENDA ITEM SUMMARY

The State of Oregon, through the Oregon Department of Transportation (ODOT) has requested to purchase a portion of Tax Lot 300 on Lane County Assessor's Map 17-03-33-44 as right of way for the I-5 Willamette River Bridge Crossing.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Pursuant to Order 03-11-25-7 the Board authorized the granting of a Temporary Easement to the State of Oregon for the I-5 Willamette River Temporary Crossing in order that ODOT could construct a temporary I-5 crossing of the Willamette River to carry traffic while the new permanent bridge was designed and built. The easement was executed November 25, 2003 and is to run until November 24, 2013.

The new bridge crossing will be built on the existing I-5 centerline, but the design requires additional width along the I-5 frontage of the Receiving Station. The previously-granted temporary easement encumbered the westerly 100 feet of the County property, and this request to purchase fee interest in a portion of the area encumbered by the temporary easement includes approximately the westerly 46 feet of the temporary easement. The proposed acquisition runs for about 240 feet, more or less in the north/south direction. All of the land which is proposed for sale is encumbered by a Pacific Power and Light Co. overhead power line easement dating from 1962.

B. Policy Issues

This property is not needed for use by Lane County now or in the foreseeable future. Sale to the State of Oregon will assist ODOT in the construction of the new permanent bridge crossing.

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 under the jurisdiction of the Waste Management Division of the Public Works Department, and the proceeds from the sale, if approved by the Board, will be returned to the Solid Waste Disposal Fund.

IV. Analysis

ORS 271.310 provides that whenever the public interest may be furthered, a political subdivision may convey all or any part of its interest to a governmental body or private individual or corporation. The statute specifies that consideration for the transfer may be cash or real property or both. The State's initial offer to purchase the needed property was in the amount of \$17,500. Upon review of the appraisal provided with the offer to purchase the approximate 11,153 s. f. area, it was the opinion of Public Works staff that the appraisal understated the value of the land within the taking, and ODOT has now agreed to increase the compensation to \$24,850.

All expenses in connection with the transaction will be paid by the State of Oregon.

V. Alternatives/Options

1. Approve the Order and resolution authorizing the sale of the above-referenced property to the State of Oregon, authorizing the execution of the attached Warranty Deed and authorizing the County Administrative Officer to sign all documents in connection with the closing of the transaction.
2. Deny the Order and direct staff otherwise.

VI. TIMING/IMPLEMENTATION

Upon execution by the Board, the Warranty Deed will be placed in escrow. Upon close of escrow, the proceeds from the sale will be deposited in the Solid Waste Disposal Fund.

VII. RECOMMENDATION

Option 1.

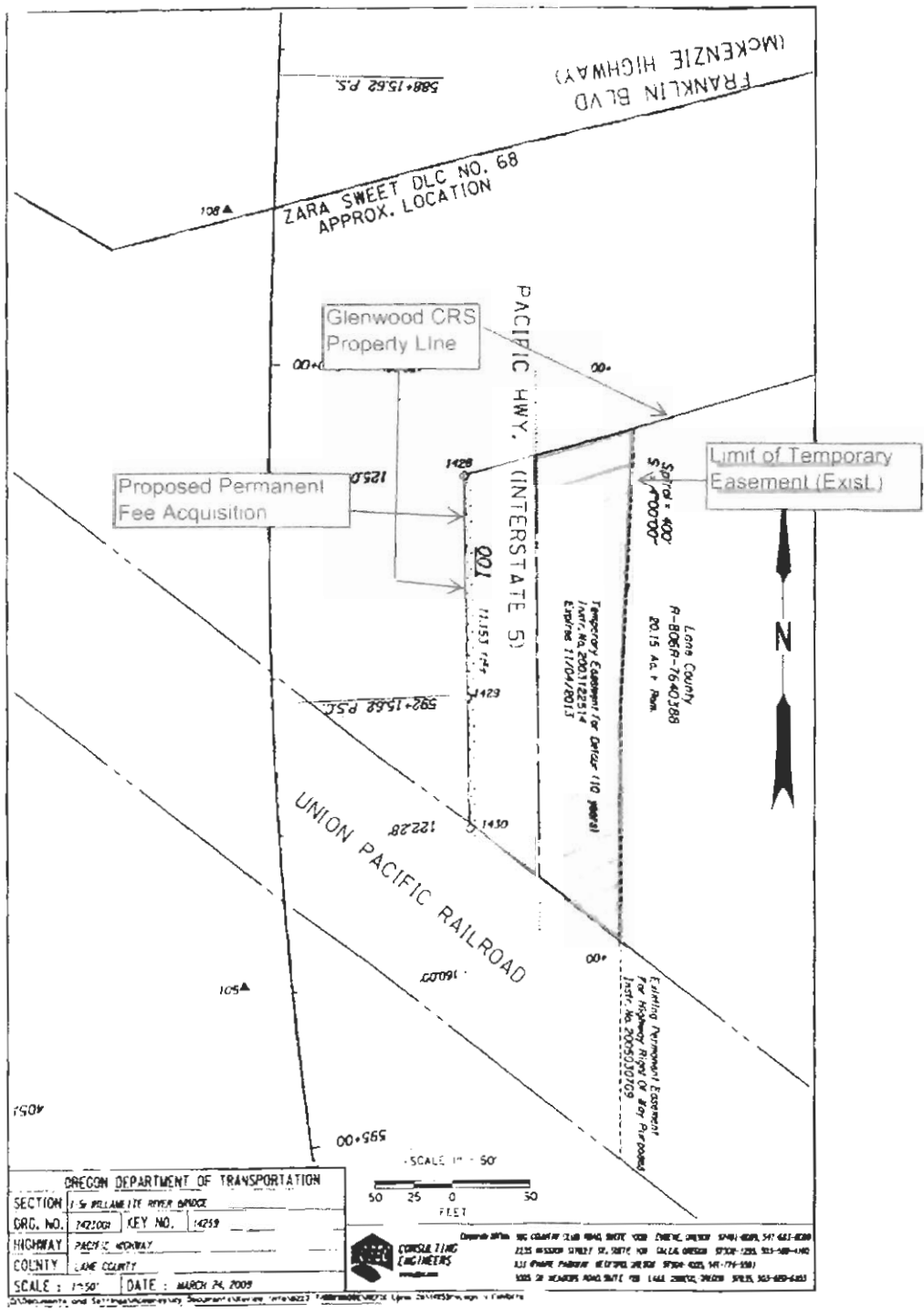
VIII. FOLLOW-UP

N. A.

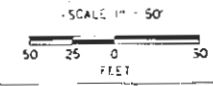
IX. ATTACHMENTS

Attachment 1 – Property Map

Exhibit A- Warranty Deed



OREGON DEPARTMENT OF TRANSPORTATION			
SECTION	1 S WILLAMETTE RIVER BRIDGE		
DRG. NO.	2422001	KEY NO.	4259
HIGHWAY	PACIFIC HIGHWAY		
COUNTY	LANE COUNTY		
SCALE	1"=50'		
DATE	MARCH 24, 2009		



CONSULTING ENGINEERS
 2225 WASHINGTON STREET, SUITE 100, SALEM, OREGON 97301-1225, 503-588-1100
 1215 PHOENIX PARKWAY, SUITE 100, SALEM, OREGON 97301-4225, 503-774-1500
 1205 SW BEAUPRE ROAD, SUITE 100, SALEM, OREGON 97301-4225, 503-774-1500

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 THE GLENWOOD
(CENTRAL RECEIVING STATION PROPERTY
(TO THE STATE OF OREGON FOR THE
(WILLAMETTE RIVER I-5 BRIDGE
(CROSSING

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 00300 on Map 17-03-33-44; and

WHEREAS, the Board, by Order and Resolution 03-11-25-7 authorized the granting of a temporary easement or a portion of said property to allow the construction of a temporary bridge over the Willamette River for the I-5 Freeway; and

WHEREAS, the design of the permanent bridge requires the acquisition of a portion of said temporary easement area in fee as shown on the attached Exhibit A; and

WHEREAS, ODOT has agreed to pay \$24,850.00 for the approximate 11,153 s. f. area needed for the project; 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 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 Warranty Deed in favor of the State of Oregon, and that the County Administrative Officer be authorized to sign all documents in connection with the closing of the transaction through escrow,

IT IS FURTHER RESOLVED that upon close of escrow and receipt of the proceeds, they be deposited in the Solid Waste Disposal 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.

APPROVED AS TO FORM:

Date: 11-23-09



Lane County Office of Legal Counsel

Pete Sorenson, Chair
Board of County Commissioners

WARRANTY DEED

LANE COUNTY, a political subdivision of the State of Oregon, Grantor, for the true and actual consideration of \$24,850.00 does convey unto the **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION**, Grantee, fee title to the property described on **Exhibit "A" dated 3/24/2009**, attached hereto and by this reference made a part hereof.

Grantor covenants to and with Grantee, its successors and assigns, that grantor is the owner of said property which is free from encumbrances, except for easements, conditions, and restrictions of record, and will warrant the same from all lawful claims whatsoever, except as stated herein.

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.

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 #: 17-03-33-44-300

Property Address: 3100 E 17th Street
Springfield, OR 97403

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.

The statement above is required by law to be included in this instrument. PLEASE NOTE: the property described in this instrument is not a "lot" or "parcel" as defined in ORS 92.010 or 215.010. Nevertheless, the property is a legally created unit of land as described in ORS 92.010 (8) (d) or (e).

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

ATTEST:

County Clerk

By _____
Chairperson

By _____
County Commissioner

By _____
County Commissioner

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
