

W. 8. D. 2.

AGENDA COVER MEMORANDUM

Agenda Date: June 7, 2006

DATE: May 24, 2006

TO: Board of County Commissioners

DEPARTMENT: Management Services

PRESENTED BY: Jeff Turk, Property Management Officer 2

SUBJECT: ORDER: IN THE MATTER OF AUTHORIZING THE BOARD CHAIR TO EXECUTE A GAS LINE EASEMENT TO NORTHWEST NATURAL GAS COMPANY OVER COUNTY OWNED REAL PROPERTY IDENTIFIED AS ASSESSOR'S MAP # 18-03-10-10-03200 (86714 MCVAY HWY., EUGENE)

1. **PROPOSED MOTION:** THE BOARD OF COUNTY COMMISSIONERS MOVES TO AUTHORIZE THE BOARD CHAIR TO EXECUTE A GAS LINE EASEMENT TO NORTHWEST NATURAL GAS COMPANY OVER COUNTY OWNED REAL PROPERTY IDENTIFIED AS ASSESSOR'S MAP # 18-03-10-10-03200 (86714 MCVAY HWY., EUGENE)
2. **ISSUE/PROBLEM:** Northwest Natural Gas Company has requested an easement for a gas line on county owned property located on McVay Hwy. Board authorization is required to grant easements.
3. **DISCUSSION:**

3.1 Background

The county acquired the subject property through tax foreclosure in September, 2004. The subject was a former gas station and had substantial petroleum contamination in the soil.

The county applied for and received a cleanup grant for the subject from the EPA. The county also entered into a lease/purchase agreement with SeQuential Biofuels in September, 2005. SeQuential will construct a retail fueling station on the property and contribute \$50,000 toward cleanup activities. Upon completion of the EPA grant (Sept. 2007 or

sooner), the property will be transferred to SeQuential (cleanup activities are progressing smoothly and ahead of schedule).

3.2 Analysis

Pursuant to ORS 275.090, the county is empowered to grant easements over its lands acquired through tax foreclosure. The proposed easement will not adversely affect future use of the property and is needed for development of the property to continue as the existing gas line needs to be relocated.

3.3 Alternatives/Options

- A. Authorize granting the easement under the terms and conditions presented.
- B. Deny granting an easement.

3.4 Recommendation

It is recommended that the easement be granted.

3.5 Timing

The sooner the easement is executed, the sooner development of the parcel can continue.

- 4. **IMPLEMENTATION/FOLLOW-UP:** Upon approval by the Board of County Commissioners, the Board Chair will execute the easement document..
- 5. **ATTACHMENTS:**
 - Board Order
 - Easement Document
 - Map showing proposed easement

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. IN THE MATTER OF AUTHORIZING THE BOARD CHAIR TO EXECUTE A GAS LINE EASEMENT TO NORTHWEST NATURAL GAS COMPANY OVER COUNTY OWNED REAL PROPERTY IDENTIFIED AS ASSESSOR'S MAP # 18-03-10-10-03200 (86714 MCVAY HWY., EUGENE)

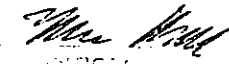
WHEREAS Lane County acquired real property identified as Assessor's map # 18-03-10-10-03200 through property tax foreclosure and

WHEREAS Northwest Natural Gas Company has requested an easement to relocate a gas line over a 9' x 26' portion of said county property

IT IS HEREBY ORDERED that, pursuant to ORS 275.090 the Board authorizes the Board Chair to execute an easement agreement over county owned real property with Northwest Natural Gas Company substantially similar to attached Exhibit "A" and that said easement shall be recorded in the deed records of Lane County.

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 _____, 2006

APPROVED AS TO FORM AND CONTENT
DATE 5-30-06

OFFICE OF THE COUNTY CLERK

Chair, Board of County Commissioners

IN THE MATTER OF AUTHORIZING THE BOARD CHAIR TO EXECUTE A GAS LINE EASEMENT TO NORTHWEST NATURAL GAS COMPANY OVER COUNTY OWNED REAL PROPERTY IDENTIFIED AS ASSESSOR'S MAP # 18-03-10-10-03200 (86714 MCVAY HWY., EUGENE)

After recording return to:
Northwest Natural Gas Co.
Risk and Land Department
220 NW Second Avenue
Portland OR 97209

GAS PIPELINE EASEMENT

Grantor(s): **LANE COUNTY**

Grantee: **NORTHWEST NATURAL GAS COMPANY**

For the sum of one dollar and other valuable consideration, Grantor(s), **LANE COUNTY**, hereby grant(s) and convey(s) to Grantee, **NORTHWEST NATURAL GAS COMPANY**, and its successors and assigns, an easement to install, operate, maintain, replace and change the size of a gas pipeline or pipelines and related equipment in and upon the following described property:

A 9.00 foot gas pipeline easement located in Tax Lot 3200 in the Northeast quarter of Section 10, Township 18 South, Range 3 West, of the Willamette Meridian, Lane County, Oregon and being more particularly described as follows:

The most Westerly 9.00 feet of the most Southerly 26.00 feet of Tax Lot 3200, said tax lot being described in deed recorded September 29, 2004 as document 2004-075655 (correction to document 2004-075211) recorded September 28, 2004 in the official records of Lane County, Oregon.

This easement includes the right of the Grantee to enter and use the above-described property to do or to take any of the actions described in this document.

Grantee will install the pipeline with the least amount of disturbance to Grantor(s)'s property as possible and will, to the extent practical, restore Grantor(s)'s property to the condition existing prior to Grantee's construction. Grantee will reimburse Grantor(s) for any damage to Grantor(s)'s property caused by Grantee during its use of the easement.

Grantor(s) agree(s) that no buildings or other structures or potentially large growing trees will be placed upon the easement and that no actions will be allowed that would jeopardize or interfere with the safe operation of the pipeline.

Signed this ____ day of _____, 2006
LANE COUNTY

By _____

Title _____

STATE OF _____

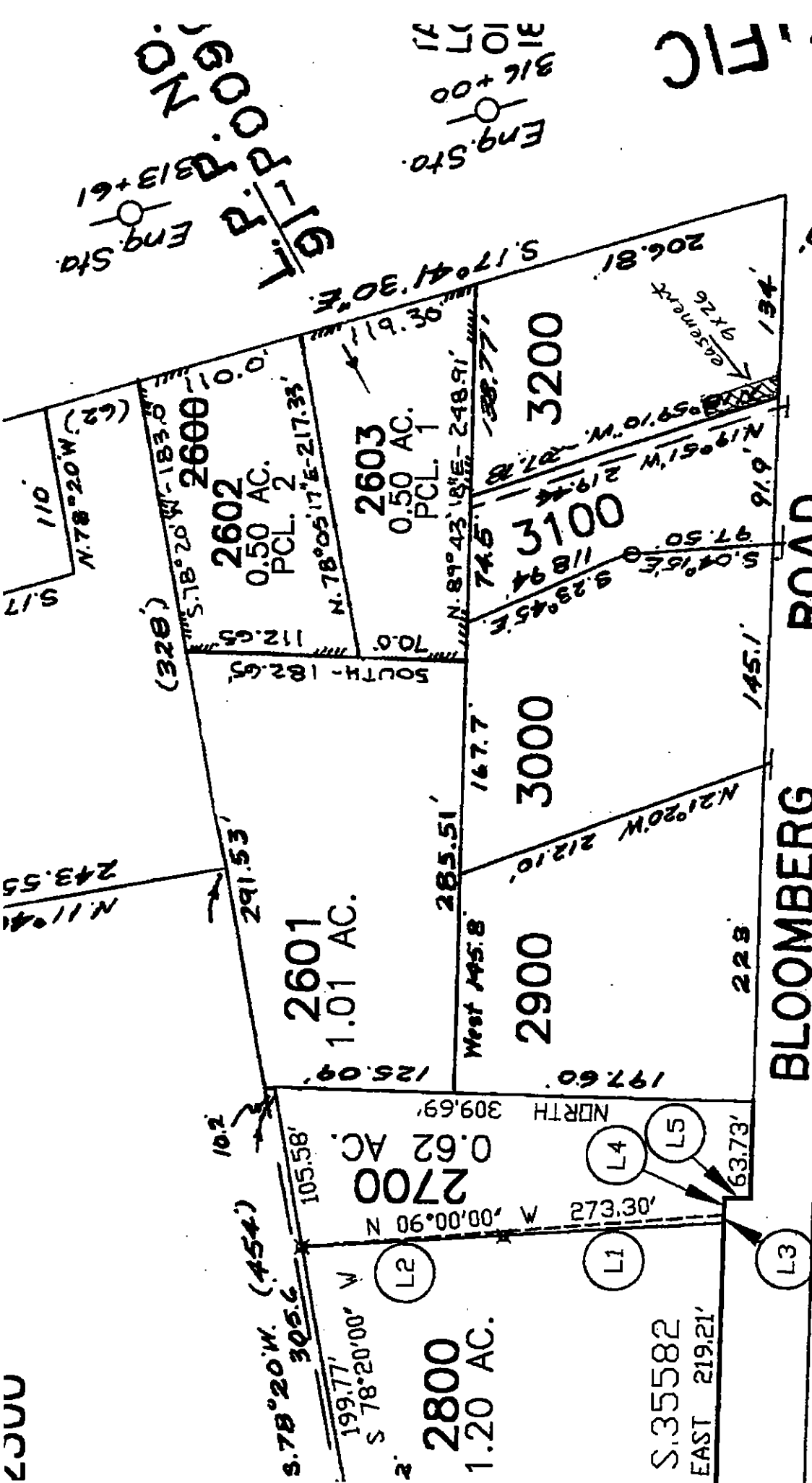
COUNTY OF _____

This instrument was acknowledged before me on _____, 2006

By _____ as _____ of
LANE COUNTY

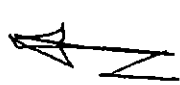
Notary

2000



Eng. Sta. 316+00
 191-1 P.O. 009
 316+00
 Eng. Sta. 313+61

OFFICE



NE. 1/4 Sec. 10 T18S. R. 3 W. W.M.
 LANE COUNTY

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