

Memorandum Date: August 23, 2006
Order Date: September 13, 2006

W. S. F. 2

TO: Board of County Commissioners
DEPARTMENT: Public Works
PRESENTED BY: Sonny Chickering, County Engineer
AGENDA ITEM TITLE: In The Matter of Authorizing a Grant of a Storm Water Drainage Easement Over a Portion of County-Owned Land Identified as Tax Lot 17-04-14-21-00101

I. MOTION

THAT THE ORDER BE APPROVED AUTHORIZING A GRANT OF A STORM WATER DRAINAGE EASEMENT TO THE CITY OF EUGENE AND AUTHORIZING THE EXECUTION OF AN EASEMENT DOCUMENT IN CONNECTION WITH SAID GRANT.

II. AGENDA ITEM SUMMARY

The City of Eugene is in the process of completing public improvements to serve a new 28-lot residential subdivision, Lenore Estates, to be accessed from Santa Clara Avenue. The development plans include the need for the City to obtain a storm water drainage easement that will extend from the southwest corner of the subdivision across a Lane County-owned parcel serving as a floodway drainage for Beltline Highway, and for residential parcels located between River Road and the Northwest Expressway and on the north of Beltline Highway.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Lane County owns Tax Lot 101 on Map 17-04-14-21, consisting of approximately 5.49 acres that were acquired in 1961 as part of the Beltline Highway road construction project. The parcel is configured in a long, narrow shape and abuts the north right-of-way line of Beltline Highway. The parcel begins approximately ½ mile west of the River Road/Beltline Interchange and runs west approximately 2,300 feet or 4/10ths of a mile, while maintaining a general 50-foot width. The parcel is a portion of what is commonly known as the A-1 Channel.

Upon completion of the project, the natural drainage swale that runs the full east-west length of the parcel was retained and has been utilized since that time as a storm water drainage ditch for Beltline Highway and for the adjoining residential areas to the north.

The City of Eugene has obtained a storm water drainage easement from the developer of Lenore Estates along the west side of Tax Lot 2800 on Lane

County Assessor's Map 17-04-11-43. The southern end of this lot abuts the County-owned parcel on the north and east sides. The City has requested that Lane County grant a drainage easement to allow the installation of a 36" dia. culvert across approximately 72 linear feet of the County parcel to allow storm water to drain into the existing A-1 Channel, as shown on the map marked as "Attachment 1".

B. Policy Issues

This project is located within the Eugene Urban Growth Boundary, and it is mutually beneficial that the City and County cooperate on issues concerning infrastructure.

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 the granting of the easement is consistent with the existing use and should not result in any additional cost to the County.

E. Analysis

The County property is administered by the Public Works Department as undeveloped land that serves as a drainage area for Beltline Highway and adjoining neighborhoods. The parcel is zoned for Low-Density Residential use, but due to its location immediately adjoining the highway, its narrow configuration and the presence of the drainage swale, it is not usable for residential purposes or any other known economic use.

The natural drainage of the surrounding area flows to the south and west and directly toward the A-1 Channel. The City of Eugene wishes to obtain the grant of easement allowing storm water to follow its natural drainage course.

ORS 271.330 allows the transfer of real property owned or controlled by political subdivisions whenever the public interest may be furthered. The granting of the easement will not pose an additional burden on the County property or to the public, and will further the public interest.

F. Alternatives/Options

1. Approve the Order authorizing the grant of easement
2. Reject the Grant of Easement as outlined above.

V. TIMING/IMPLEMENTATION

If the Board approves the Order Authorizing the Grant of Easement, Public Works staff will transmit the signed document to the City of Eugene for acceptance by the City Council. Once the document has been recorded, a copy will be returned to the clerk of the Board.

VI. RECOMMENDATION

Option 1.

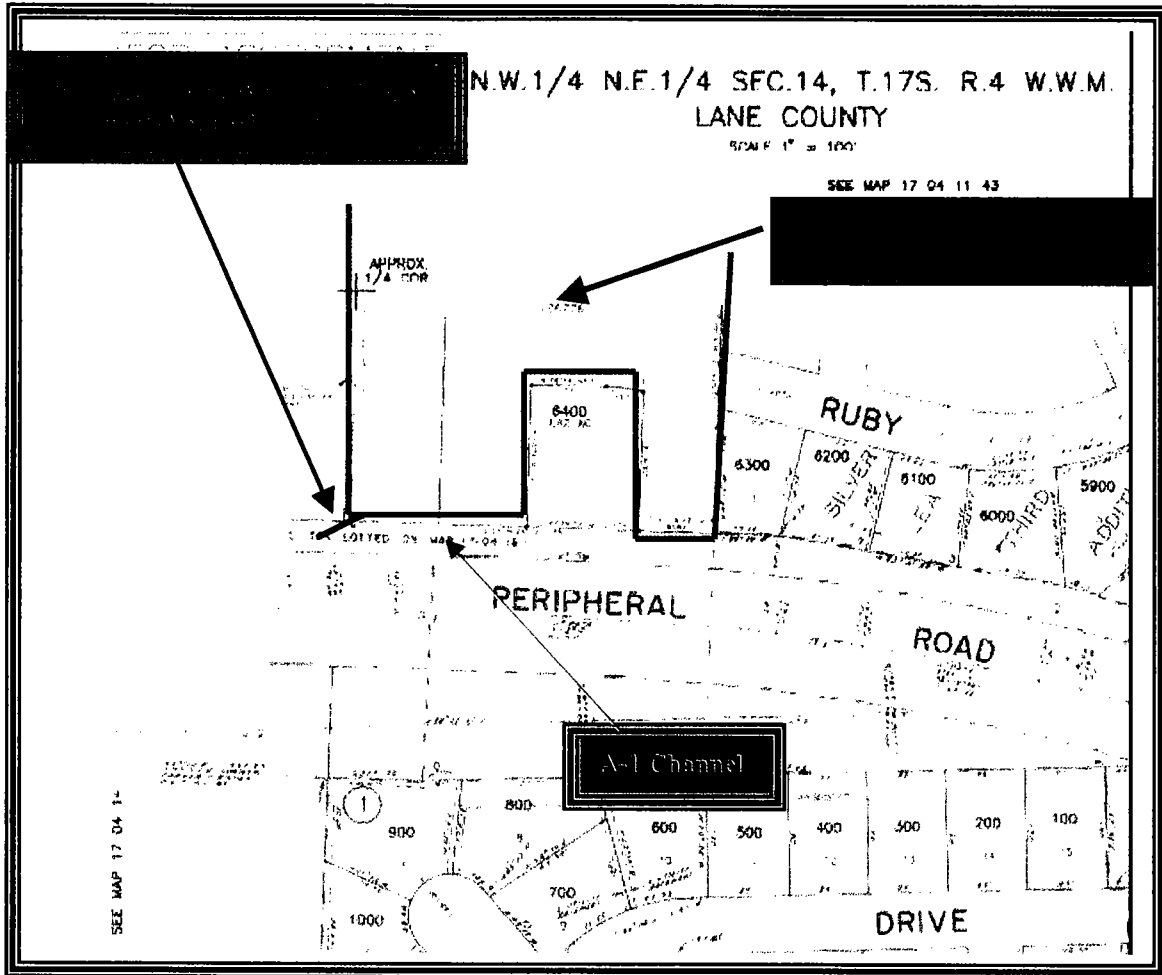
VII. FOLLOW-UP

N. A.

VII. ATTACHMENTS

Permanent Drainage Easement
Attachment 1 (Map)

ATTACHMENT 1
PORTION OF MAP 17-04-14



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

ORDER NO.

**(IN THE MATTER OF
(AUTHORIZING A GRANT OF A
(STORM WATER DRAINAGE
(EASEMENT OVER A PORTION
(OF COUNTY-OWNED LAND
(IDENTIFIED AS TAX LOT 17-04-
(14-21-00101.**

WHEREAS, Lane County owns the above-referenced property a portion of which comprises what is commonly known as the A-1 Channel and is identified as Tax Lot 17-04-14-21-00101; and

WHEREAS, the City of Eugene is in the process of completing public improvements for a new residential subdivision which is adjacent to said County land, and in connection with the development of said subdivision has obtained a drainage easement over a portion of said subdivision, and

WHEREAS, the City of Eugene wishes to obtain a recorded storm water drainage easement over the adjacent County-owned parcel to provide drainage for the new subdivision to the existing A-1 Channel: and

WHEREAS, the existing County-owned parcel serves primarily as a drainage channel for Beltline Highway and surrounding neighborhoods; and

WHEREAS, ORS 271.310 allows the transfer of real property owned or controlled by political subdivisions whenever the public interest may be furthered; and the public interest will be furthered through cooperation between the two agencies with regard to matters concerning infrastructure development: and

NOW THEREFORE BE IT ORDERED, that the County Commissioners sign the Grant of Easement needed to accomplish the Easement request from the City of Eugene; and

IT IS FURTHER ORDERED that this order be entered into the records of the Board of County Commissioner's Journal of Administration of Lane County, Oregon.

Dated this _____ day of _____, 2006.

Bill Dwyer, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM
8-31-06

OFFICIAL SEAL

After Recording Return to, and
Send Tax Statements to:
City of Eugene - Public Works /Engineering
Attn: Russ Royer
858 Pearl Street
Eugene, Oregon 97401

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

PERMANENT DRAINAGE EASEMENT

LANE COUNTY, a political subdivision of the State of Oregon, hereinafter called GRANTOR, for the true and actual consideration of **no/100** dollars, grants to the **CITY OF EUGENE**, a municipal corporation of the State of Oregon, hereinafter called GRANTEE, a permanent drainage easement on and over the following described property:

A parcel of land located in the Northwest one-quarter (NW ¼) of Section 14, Township 17 South, Range 4 West of the Willamette Meridian, Lane County, Oregon, being a portion of that tract of land conveyed to Lane County by that certain deed recorded July 14, 1961, on Reel 176D, Recorder's Reception Number 37867, LANE COUNTY OREGON DEED RECORDS, lying 7.00 feet in width on both sides of the following described centerline.

Beginning at the Southwest Corner of County Survey File Number 26776 filed in the Lane County Surveyors Office on August 10, 1984; thence along the westerly boundary thereof North 0° 13' 44" West, 24.22 feet to the TRUE POINT OF BEGINNING; thence leaving said westerly boundary South 71° 32' 38" West, 76.63 feet to a point on the southerly line of said lands conveyed to Lane County, the sidelines of said easement shall be prolonged or shortened so as to terminate easterly in the westerly line of said County Survey and terminate southerly in the southerly line of said lands conveyed to Lane County, all within Lane County, Oregon.

The parcel of land to which this description applies contains 1,075 square feet, more or less.

The bearings used herein are based on County Survey File Number 26776 filed in the Lane County Surveyors Office.

The intent of this permanent easement is to allow for the construction and continuing maintenance of a drainage facility.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). 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 INTEREST 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 O.R.S. 30.930.

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: _____