



Memorandum Date: April 7, 2023
Agenda Date: April 25, 2023

TO: Board of County Commissioners

DEPARTMENT: Public Works/Engineering and Construction Services/Surveyors

PRESENTED BY: Mikeal J. Blommé, Lane County Surveyor

AGENDA ITEM TITLE: ORDER / IN THE MATTER OF AUTHORIZING THE CONVEYANCE OF A STRIP OF LAND IDENTIFIED AS A PORTION OF MAP AND TAX LOT NO. 17-04-25-12-03100 TO THE CITY OF EUGENE BY QUITCLAIM DEED.

I. MOTION:

To approve the Order authorizing Lane County Public Works Staff to convey a strip of land to the City of Eugene by Quitclaim Deed.

II. AGENDA ITEM SUMMARY:

Research recently performed by the City of Eugene Surveyor revealed Lane County owned interest in a strip of land within a property currently under City of Eugene ownership, identified on Assessor's Map No. 17-04-25-12 as Tax Lot 3100. Assessment and Taxation records indicate the entire property is owned by the City, and is currently being used as open area and parking for Maurie Jacobs Park. After subsequent research by the Surveyor's Office, we have concluded the strip of land is still under County ownership, and since we find no formal dedication of the strip for public road purposes, should be mapped by Assessment and Taxation as its own tax lot. In consultation with County Counsel, we have concluded the most expedient option moving forward is to quitclaim Lane County's interest to the City, which will allow the City to manage their park facility to their specifications, standards, and timetables.

III. BACKGROUND/IMPLICATIONS OF ACTION:

A. Board Action and Other History

The strip of land is located west of River Road on the east end of Fir Lane at the westerly access point to Maurie Jacobs Park. The strip was conveyed to Lane County by Warranty Deed recorded in Reel 111/58D, Recorder's Reception No. 33179, Lane County Oregon Deeds and

Records, in 1958. The deed contained a deed restriction that it is to be used for road purposes only, which is consistent with its current public use.

The City of Eugene contacted Public Works after their research revealed the Lane County ownership within the park. The City has plans to control access to the main parking lot to deal with illicit/illegal afterhours use through installation of a gate across the access road. The proposed gate location would require an agreement or other suitable option from the County to proceed installing the gate at the desired location.

B. Policy Issues

Oregon Revised Statutes (ORS) 271.330 allows the relinquishment of real property owned by a political subdivision to any government body, providing that the property is used for not less than 20 years for a public purpose by the governmental body in the State of Oregon.

C. Board Goals

This proposal is in line with Strategic Priority 2, Building Relationships. The conveyance of this strip of land is an investment in relationships with the City of Eugene, and allows them to manage their park facility as they wish.

D. Financial and/or Resource Considerations

None. Lane County has no interest in the park and will have no financial or resource obligation for the installation of the gate.

E. Health Implications

There are no health implications.

F. Analysis

Lane County Staff has determined the strip of land has no value for Public Works operations, and its best use is currently with the City of Eugene.

G. Alternatives/Options

1. Convey the County owned strip of land to the City of Eugene by Quitclaim Deed.
2. Retain the strip of land and direct staff otherwise.

IV. RECOMMENDATION

It is recommended that Option 1 above be pursued, pursuant to ORS 271.330.

V. TIMING/IMPLEMENTATION

The City respectfully requests the Board to consider this matter in a timely manner.

VI. FOLLOW-UP

Upon the Board's approval, Lane County Right of Way Services Staff will record the Quitclaim Deed at Lane County Deeds and Records.

VII. ATTACHMENTS

Order with Exhibits:

Map – Exhibit A
Quitclaim Deed

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 23-04-25-07

IN THE MATTER OF AUTHORIZING THE
CONVEYANCE OF A STRIP OF LAND
IDENTIFIED AS A PORTION OF MAP AND
TAX LOT NO. 17-04-25-12-03100 TO THE
CITY OF EUGENE BY QUITCLAIM DEED.

WHEREAS, the Lane County Board of Commissioners deem it in the best interest of Lane County to quitclaim all title and interest of the following described strip of land to the City of Eugene:

A strip of land conveyed to Lane County on that certain Warranty Deed recorded on Reel 111/58D, Recorder's Reception Number 33179, Lane County Oregon Deed Records, said strip of land being more particularly described as follows:

A strip of land 50 feet in width the center line of which is described as follows: Beginning at the Northeast corner of the Prior F. Blair Donation Land Claim No. 39 in Township 17 South Range 4 West of the Willamette Meridian, run thence South 89°30' East 46.90 chains to the East line of River Road (County Road No. 200) thence South 7°40' East along said East line 566.0 feet; thence North 89° 39 1/2' East 315.65 feet to the true point of beginning; run thence on a 101.45 foot radius curve right (the long chord of which bears South 67° 34 1/2' East 78.68 feet) a distance of 80.77 feet; thence South 44° 31' East 10.77 feet; thence on a 95.0 foot radius curve left (the long chord of which bears South 67° 29 1/2' East 73.78 feet) a distance of 75.75 feet to the end of curve, in Lane County, State of Oregon.

WHEREAS, said strip of land was conveyed to Lane County in 1958 to be used for road purposes; and

WHEREAS, the strip of land is currently located within a City of Eugene owned property that is used for city park purposes, more particularly identified as Maurie Jacobs Park; and

WHEREAS, Lane County Staff has been unable to locate conveyance documents that would have transferred ownership of the strip of land to the City of Eugene; and

WHEREAS, Lane County Staff has been unable to locate documents dedicating and accepting the strip of land for public road purposes; and

WHEREAS, the strip of land is not currently listed in current inventories of Lane County owned properties; and

WHEREAS, ORS 271.330 allows the relinquishment of real property owned by a political subdivision to any government body, providing the property is used for not less than 20 years for a public purpose by the governmental body in the State of Oregon, without consideration; and

WHEREAS, the strip of lands current use is to support access to parking areas for Maurie Jacob's Park, and it is in the public's best interest to convey Lane County's interest in the strip of land to the City of Eugene for their management and control.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

1. Conveyance of the Lane County owned strip of land to the City of Eugene is hereby accepted and approved.
2. The Board Chair is authorized to sign the Quitclaim Deed.
3. Lane County Right of Way Services is instructed to record the Quitclaim Deed at Lane County Oregon Deeds and Records.

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

ADOPTED this 25th day of April, 2023.

Pat Farr, Chair
Lane County Board of Commissioners

Exhibit "A"

Maurie Jacobs Park Access and Fir Lane ROW



Legend

- FirLane_LC_DedicationArea
- Parks and Open Space
- Streets
- Taxlots



Caution:
This map is based on imprecise
source data, subject to change,
and for general reference only.

March 01, 2023



After Recording Return to, and
Send Tax Statements to:
City of Eugene
Parks and Open Space, Building 1
1820 Roosevelt Blvd.
Eugene, OR 97401

RECORDING INFORMATION

DO NOT WRITE IN THIS SPACE

QUITCLAIM DEED

LANE COUNTY, a political subdivision of the State of Oregon, hereinafter called **GRANTOR**, for the true and actual consideration of 0 dollars, does hereby release and quitclaim to the **CITY OF EUGENE**, a municipal corporation of the State of Oregon, all its rights, title and interest in that real property conveyed to Lane County on that certain Warranty Deed recorded on Reel 111/58D, Recorder's Reception Number 33179, Lane County Oregon Deed Records, said real property being more particularly described as follows:

A strip of land 50 feet in width the center line of which is described as follows: Beginning at the Northeast corner of the Prior F. Blair Donation Land Claim No. 39 in Township 17 South Range 4 West of the Willamette Meridian, run thence South 89°30' East 46.90 chains to the East line of River Road (County Road No. 200) thence South 7°40' East along said East line 566.0 feet; thence North 89° 39 1/2' East 315.65 feet to the true point of beginning; run thence on a 101.45 foot radius curve right (the long chord of which bears South 67° 34 1/2' East 78.68 feet) a distance of 80.77 feet; thence South 44° 31' East 10.77 feet; thence on a 95.0 foot radius curve left (the long chord of which bears South 67° 29 1/2' East 73.78 feet) a distance of 75.75 feet to the end of curve, in Lane County, State of Oregon.

City, by acceptance of this grant, hereby declares and otherwise agrees that City shall indemnify, hold harmless and defend the County, its officials, agents and employees, from and against any and all claims, damages, losses, and expenses, including attorney's fees, arising in and from City acceptance and use of the subject property, unless such claims, damages, or losses are caused by grantor's negligent or intentional act(s).

This grant is conditioned upon the herein conveyed parcel being used and continuing to be used, for public purposes. Should this property be used for other than public purposes, the interest of the recipient shall automatically terminate and ownership shall revert to Lane County.

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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the undersigned have executed this instrument this _____ day
of _____, 2023.

Pat Farr, Chair
Lane County Board of Commissioners

STATE OF OREGON)
) ss.
County of Lane)

On _____, 2023, personally appeared Pat Farr, Chair, Lane County Board of Commissioners who, duly being sworn, did say that he is member 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: _____