

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 15-09-01-04

IN THE MATTER OF TRANSFERRING  
INTEREST OF TWO LANE COUNTY OWNED  
PARCELS OF LAND TO THE CITY OF  
SPRINGFIELD, COMMONLY KNOWN AS THE  
Q STREET FLOODWAY CHANNEL  
(17-03-25-31-00202 / 701)

**WHEREAS**, the City of Springfield has requested that Lane County transfer two Lane County owned parcels of land to the City; and

**WHEREAS**, the parcels are part of a contiguous floodway channel owned and under the control of the City of Springfield; and

**WHEREAS**, Lane County staff has determined it would be in the best interest of both parties for the transfer of these County owned parcels to the City of Springfield; and

**WHEREAS**, the two parcels owned by Lane County are depicted on Assessors Map 17-03-25-31 as Tax Lots 202 and 701; and

**WHEREAS**, the Oregon State Highway Commission conveyed both parcels to Lane County in 1961 for \$1.00 through Bargain and Sale Deed Reel 173D, Reception No. 32710, Lane County Oregon Deed Records; and

**WHEREAS**, ORS 271.310 provides that the County may sell, exchange, convey or lease all or any part of its interest in property to a governmental body, private corporation or individual whenever the public interest may be furthered; and

**WHEREAS**, the two parcels are not developable and the transfer of the parcels will benefit the City of Springfield and the public by allowing for continuity and contiguous maintenance of the flood channel.

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

1. The Board authorizes the transfer of said Lane County owned parcels to the City of Springfield.
2. Lane County Staff is directed to close the transaction and record all deeds.
3. This Order shall be entered into the records of the Board of Commissioners of the County.

**ADOPTED** this 1st day of September, 2015.

  
\_\_\_\_\_  
Jay Bozievich, Chair  
Lane County Board of Commissioners

APPROVED AS TO FORM

Date: 

\_\_\_\_\_  
LANE COUNTY OFFICE OF LEGAL COUNSEL

**CITY OF SPRINGFIELD, OREGON**

**DEVELOPMENT AND PUBLIC WORKS**



225 FIFTH STREET  
SPRINGFIELD, OR 97477  
PHONE: 541.726.3753  
FAX: 541.736.1021  
[www.springfield-or.gov](http://www.springfield-or.gov)

Bill Morgan  
Lane County Engineer  
3040 North Delta Highway  
Eugene, OR 97408

Mr. Morgan,

The City of Springfield requests that Lane County transfer 2 County owned parcels of land adjacent to the right of way of Highway 126 (I-105) near the Mohawk Interchange, to the City of Springfield. The parcels are known as Tax Lots 202 and 701 on Assessor's Tax Map 17032531.

The Tax Lots 202 and 701 contain a storm drainage channel known as the Q Street Channel which is a primary storm drainage facility for Springfield. It has been the belief of the City of Springfield that these Tax Lots were owned by the City, as the City owns the vast majority, if not all of the property on which the storm drainage channel and facilities exist and occupy. A recent request from the Springfield Utility Board for an easement for their electric and water facilities across one of the parcels led to the discovery that these parcels are County owned, and not City owned as thought.

The City has been maintaining the storm drainage channel, as well as maintaining vegetation and clean-up for the entirety of the County owned Tax Lots since the creation of the storm drainage channel, which was created in conjunction with the construction of the I-105 freeway in approximately 1960. According to deed records, the State of Oregon, by and through its State Highway Commission (now ODOT) deeded these 2 parcels to Lane County in May of 1961.

Your prompt attention to this matter is appreciated. Please note, as I'm sure you are aware of as part of the conversations, there has been recent ongoing discussions and sharing of information between City Surveyor Chris Moorhead, City Engineer Ken Vogeney, and Interim County Surveyor Jay Blomme. These folks should have all background information and copies of the relevant documents and maps, some of which are referenced above.

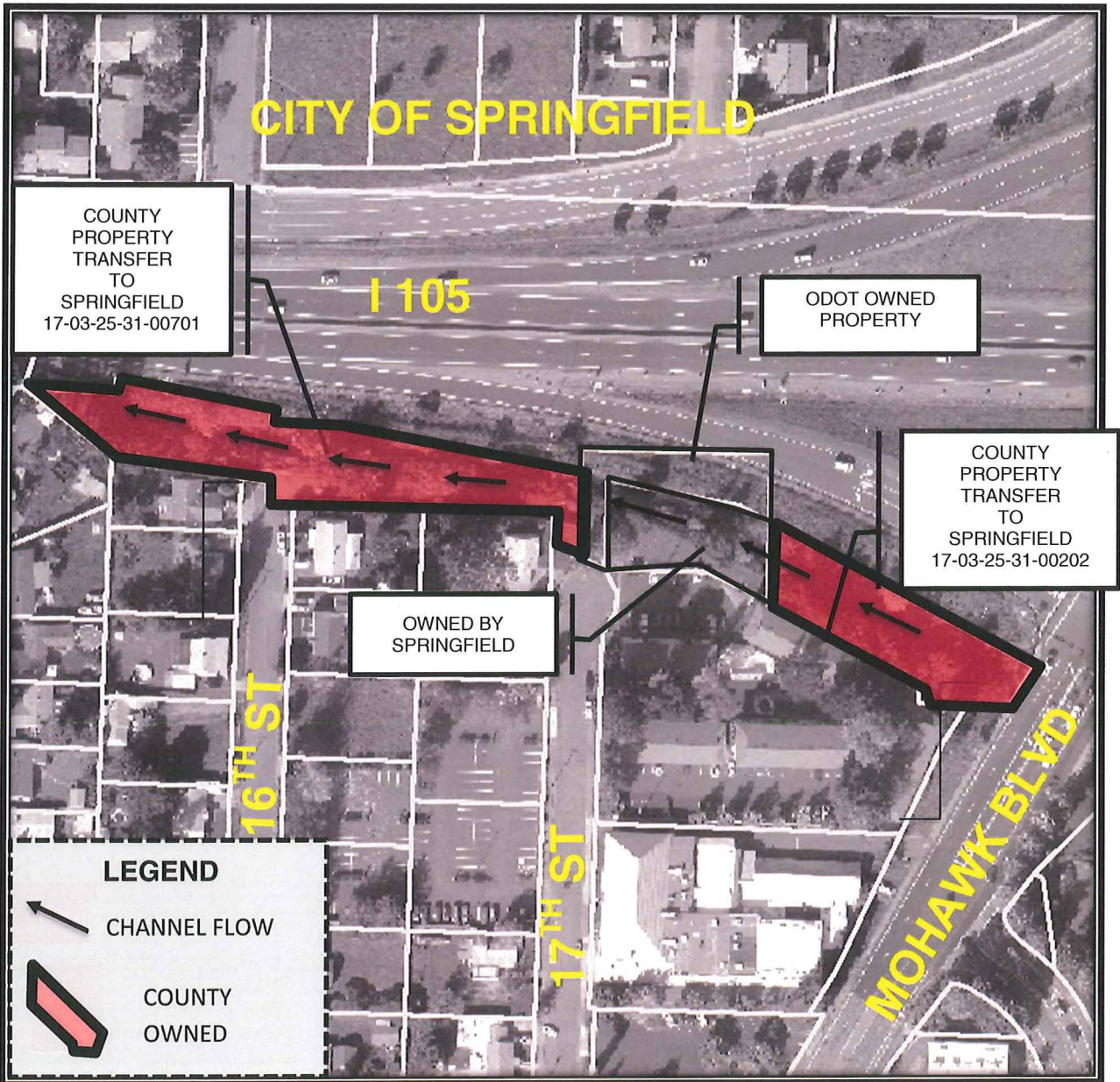
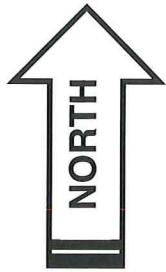
Thank you,

Anette Spickard  
Director, Development and Public Works  
City of Springfield

**EXHIBIT B**

SW ¼, SEC 25 T.17S R3W. W.M.

CITY OF SPRINGFIELD Q STREET  
FREEWAY FLOODWAY CHANNEL  
LANE COUNTY PROPERTY TRANSFER TO  
CITY OF SPRINGFIELD



After recording return to,  
and send tax statements, to:

City of Springfield  
Development and Public Works  
225 Fifth Street  
Springfield, Oregon 97477  
Attn: Len Goodwin

RECORDING INFORMATION  
  
DO NOT WRITE IN THIS SPACE

**BARGAIN AND SALE DEED**

**Lane County**, a political subdivision of the State of Oregon, pursuant to Order No. \_\_\_\_\_ of the Board of County Commissioners of Lane County, hereinafter called Grantor, for the true and actual consideration of \$0 Dollars, conveys to **City of Springfield**, a municipal corporation of the State of Oregon, hereinafter called Grantee, all that real property situated in Lane County, State of Oregon, described as follows:

A parcel of land lying in Section 25, Township 17 South, Range 3 West of the Willamette Meridian, Lane County, Oregon, and being all of that tract of land conveyed to LANE COUNTY, a political subdivision of the State of Oregon, by that certain 1961 deed recorded on Reel 173D, Recorder's Reception Number 32710, LANE COUNTY OREGON DEED RECORDS.

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

Containing a total of 1.1 acre, more or less.

Subject to existing right of way, assessments, easements, restrictions, and reservation of record, if any.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. 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. 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

EXHIBIT "C"

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 VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES 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 \_\_\_\_\_, 2015.

\_\_\_\_\_  
Commissioner  
\_\_\_\_\_  
Commissioner  
\_\_\_\_\_  
Commissioner  
\_\_\_\_\_  
Commissioner

STATE OF OREGON )  
                          ) ss.  
County of Lane )

On \_\_\_\_\_, 2015, 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: \_\_\_\_\_

Accepted for Recording on  
Behalf of the City of Springfield:

\_\_\_\_\_