

**RESOLUTION NO. 1939  
DECEMBER 2019**

**EUGENE WATER & ELECTRIC BOARD  
AUTHORIZING GENERAL MANAGER TO  
NEGOTIATE MEMORANDUM OF UNDERSTANDING  
RELATED TO REAL PROPERTY**

**WHEREAS**, the Eugene Water & Electric Board (“EWEB”) holds title to real property in the name of the City of Eugene, a municipal corporation, by and through the Eugene Water & Electric Board being comprised of three parcels, each legally described in the attached Exhibit A, Exhibit B and Exhibit C and hereinafter referred to as the “Former Manufactured Gas Plant (MGP)” property;

**WHEREAS**, EWEB staff has evaluated the MGP property as no longer needed for utility purposes and that planning may proceed for potential future sale subject to formal designation as surplus by the EWEB Board of Commissioners;

**WHEREAS**, the provisions of ORS 271.310 authorize EWEB to sell real property within its possession or control if the real property is no longer needed for its public use or EWEB determines that the sale is in the public interest;

**WHEREAS**, if the MGP property were designated for disposal by EWEB, then Eugene Code 2.196 provides the City of Eugene with the first opportunity to negotiate for purchase of the MGP property for other municipal purposes;

**WHEREAS**, the MGP property is subject to environmental remediation measures described in the Oregon Department of Environmental Quality (DEQ) Record of Decision (ROD) for the Eugene Manufactured Gas Plant (Former) EWEB-owned Portion (ECSI No.1723) dated January 5, 2015;

**WHEREAS**, EWEB believes that the ratepayers’ interest is served by timely transfer of the MGP property in accordance with certain criteria after completion of remediation measures; and

**WHEREAS**, the EWEB Commissioners have had the opportunity to address anticipated terms and conditions with those designated to negotiate the real property transactions during the course of executive session in accordance with ORS 192.660(2)(e).

**NOW, THEREFORE, BE IT RESOLVED** by the Eugene Water & Electric Board that:

The General Manager is hereby authorized to negotiate terms and conditions for the potential post-remediation transfer of the MGP property to the City of Eugene under the guidance provided by the Board in executive session. Negotiation of such terms and conditions shall be non-binding and expressly subject to and conditioned upon future presentation to the Board for determination whether to declare the MGP property as no longer needed for utility purposes and ready for disposal. The General Manager is authorized to execute non-binding documents of understanding on behalf of EWEB necessary for presenting anticipated terms and conditions of a potential post-remediation property sale transaction for the Board’s consideration.

DATED this 3<sup>rd</sup> day of December, 2019.

THE CITY OF EUGENE, OREGON  
Acting by and through the  
Eugene Water & Electric Board

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President

I, ANNE M. KAH, the duly appointed, qualified and acting Assistant Secretary of the Eugene Water & Electric Board, do hereby certify that the above is true and exact copy of the Resolution adopted by the Board in its December 3<sup>rd</sup>, 2019 Regular Board Meeting.

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Assistant Secretary

## EXHIBIT "A"

### ADJUSTED PROPERTY 1 2019-028593 LANE COUNTY OREGON DEED RECORDS

SITUATED in the Northwest 1/4 of Section 32 in Township 17 South, Range 3 West of the Willamette Meridian in the City of Eugene, Lane County Oregon and described as follows:

BEING (a) a portion of the lands that were conveyed to the City of Eugene, by and through the Eugene Water and Electric Board, an Oregon municipal utility, and described as "Adjusted Property 2" in that certain "Declaration of Property Line Adjustment Deed 8" that was recorded April 17, 2018 at Reception Number 2018-017632 in Lane County Oregon Deed Records; and (b) a portion of the lands that were conveyed to the City of Eugene, by and through the Eugene Water and Electric Board, an Oregon municipal utility, in that certain Quitclaim Deed that was recorded in 1976 in Reel 777R at Reception Number 7601834 in Lane County Oregon Deed Records. The perimeter boundary of said lands is more particularly described as follows:

BEGINNING at the most easterly corner of "Adjusted Property 1" of said "Declaration of Property Line Adjustment Deed 8", which corner is marked by a 2-1/2" mag nail with 1-1/2" brass washer marked "EGR & ASSOC."; Thence, leaving said POINT OF BEGINNING and running northeasterly along the northwest line of said "Adjusted Property 2 of Declaration of Property Line Adjustment Deed 8", the following one numbered course: (1) North 40° 31' 00" East 54.99 feet, more or less, to the left bank of the Willamette River. Thence, southeasterly along said left bank of the Willamette River, the following eleven numbered course: (2) South 49°25'05" East 30.55 feet, (3) South 53°03'22" East 67.56 feet, (4) South 53°50'47" East 21.66 feet, (5) South 48°58'24" East 44.76 feet, (6) North 85°13'45" East 18.50 feet, (7) South 62°06'06" East 35.54 feet, (8) South 59°42'16" East 42.83 feet, (9) South 46°35'25" East 44.33 feet, (10) South 39°13'52" East 49.00 feet, (11) South 57°17'19" East 44.51 feet, and (12) South 62°38'48" East 16.31 feet to a point that is marked by an iron pin [as called Rec. No. 7601834] in that lies on the east line of said lands that were conveyed in Reception Number 7601834; Thence, southerly along said east line, the following one numbered course: (13) South 01°45'18" West 44.89 feet to the southeast corner of said lands that were conveyed in Reception Number 7601834, which corner is marked by an iron pin [as called Rec. No. 7601834]; Thence, in a general westerly direction along the general southwesterly lines of said lands that were conveyed in Reception Number 7601834, the following four numbered courses: (14) North 64°05'27" West 52.09 feet to a point that is marked by an iron pin [as called Rec. No. 7601834], (15) South 87°20'18" West 54.91 feet to a point that is marked by an iron pin [as called Rec. No. 7601834], and (16) North 40°02'42" West 115.74 feet to a point that is marked by an iron pin [as called Rec. No. 7601834], and (17) South 40°36'18" West 42.08 feet to a point that is marked by an iron pin [as called Rec. No. 7601834]; Thence, leaving said general southwesterly line of said lands that were conveyed in Reception Number 7601834, along the northwest line of the lands that were conveyed to the City of Eugene, by and through the Eugene Water and Electric Board, an Oregon municipal utility, in that certain Warranty Deed that was recorded March 25, 1976 in Reel 787R at Reception Number 7613750 in Lane County Oregon Deed Records, the following one numbered course: (18) South 40°36'18" West 218.47 feet to a point that lies on the northeast right-of-way line of the Southern Pacific Company Railroad; Thence, northwesterly along said right-of-way line, the following two numbered courses: (19) North 54°59'28" West 12.23 feet, and (20) North 52°18'58" West 60.21 feet to a point that is

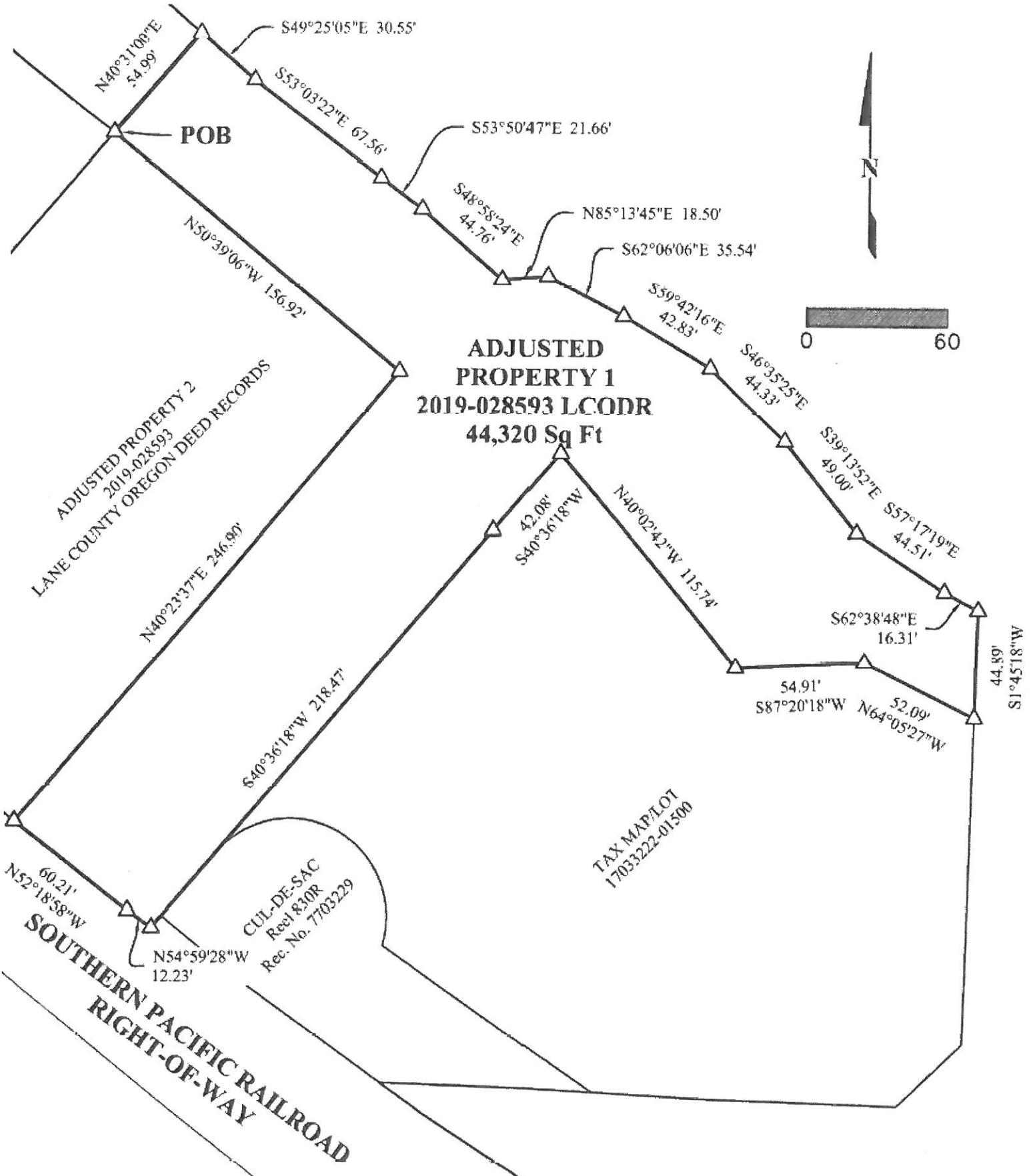
Exhibit "A" (Cont)

marked by a 5/8" x 15" rebar with orange plastic cap marked "EGR & ASSOC."; Thence, northeasterly and leaving said right-of-way line, crossing through said "Adjusted Property 2 of Declaration of Property Line Adjustment Deed 8" and into said lands that were conveyed in Reception Number 7601834, the following one numbered course: (21) North 40°23'37" East 246.90 feet to a point that is marked by a 5/8" x 30" rebar with orange plastic cap marked "EGR & ASSOC."; and Thence northwesterly from last said point, the following one numbered course: (22) North 50°39'06" West 156.92 feet Returning to the POINT OF BEGINNING and containing 44,320 square feet, more or less.

Bearings and distances shown hereon are taken and derived from data as shown on the Survey Maps by (a) James W. Colton that was filed March 25, 2016 as County Survey File Number 43582 and (b) EGR & Associates, Inc. that was filed April 23, 2018 as County Survey File Number 44308.

July 16, 2019  
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*[Signature]*  
OREGON  
JULY 20, 1993  
REX A. BETZ  
#2606  
Lic. Exp. 12/31/19

EXHIBIT "A"  
ADJUSTED PROPERTY 1  
2019-028593



## EXHIBIT B

### TAX MAP 17-03-32-22, TAX LOT 1500

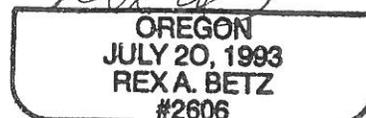
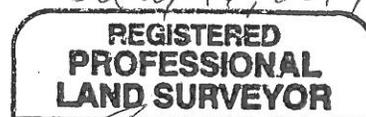
Situated in the City of Eugene, Lane County, Oregon in the Northwest 1/4 of Section 32 in Township 17 South, Range 3 West of the Willamette Meridian and described as follows:

Being a portion of the lands that were conveyed to the City of Eugene, a municipal corporation, for the use and benefit of the Eugene Water and Electric Board, in the Warranty Deed that was recorded March 25, 1976 in Reel 787R at Reception Number 7613750 in Lane County Oregon Deed Records. The perimeter of which portion is described more particularly as follows:

Commencing at the iron rod set in a concrete monument at the intersection of Hilyard Street and East 9th Avenue; thence South 88°12'48" East 148.53 feet to a point; thence North 1°47'12" East 367.33 feet to a point marked by a railroad spike; and thence North 1°45'12" East 59.94 feet to the **True Point of Beginning** of the portion being described herein.

Thence, leaving said **True Point of Beginning**, and running along the perimeter boundary of said lands that were conveyed in Reception Number 7613750 the following seven numbered courses: (1) South 88°14'42" East 86.03 feet to point marked by an iron pin; (2) North 46°45'18" East 38.00 feet to point marked by an iron pin; (3) North 01°45'18" East 135.76 feet to point marked by an iron pin on the left bank of the Willamette River; (4) along said left bank of the Willamette River North 64°05'27" West 52.09 feet to a point on said left bank that is marked by an iron pin; (5) South 87°20'18" West 54.91 feet; (6) North 40°02'42" West 115.74 feet; and (7) South 40°36'18" West 219.62 feet to a point of cusp at the beginning of a non-tangent curvature to the right that lies at the northwesterly point of curvature in the curved portion of the general northeast lines of the lands that were conveyed to the City of Eugene, Oregon, in that certain Deed that was recorded January 18, 1977 in Reel 830R at Reception Number 7703299 in Lane County Oregon Deed Records; thence, in a general southeasterly direction and along said general northeast lines of the lands that were conveyed in said Reception Number 7703299 the following two numbered courses: (8) along said non-tangent curve to the right, having a radius center that bears South 49°23'42" East 41.00 feet, a central angle of 155°37'25", and a long chord of South 61°34'42" East 80.15 feet, an arc distance of 111.36 feet to a point of non-tangent line; and (9) along said non-tangent line South 55°15'42" East 106.31 feet to the most easterly corner of said lands that were conveyed in Reception Number 7703299, which corner lies on the south line of aforecalled lands that were conveyed in Reception Number 7613750; and thence along said south line the following one numbered course: (10) South 86°47'02" East 43.50 feet **returning to the True Point of Beginning** and containing 49,733 square feet, more or less.

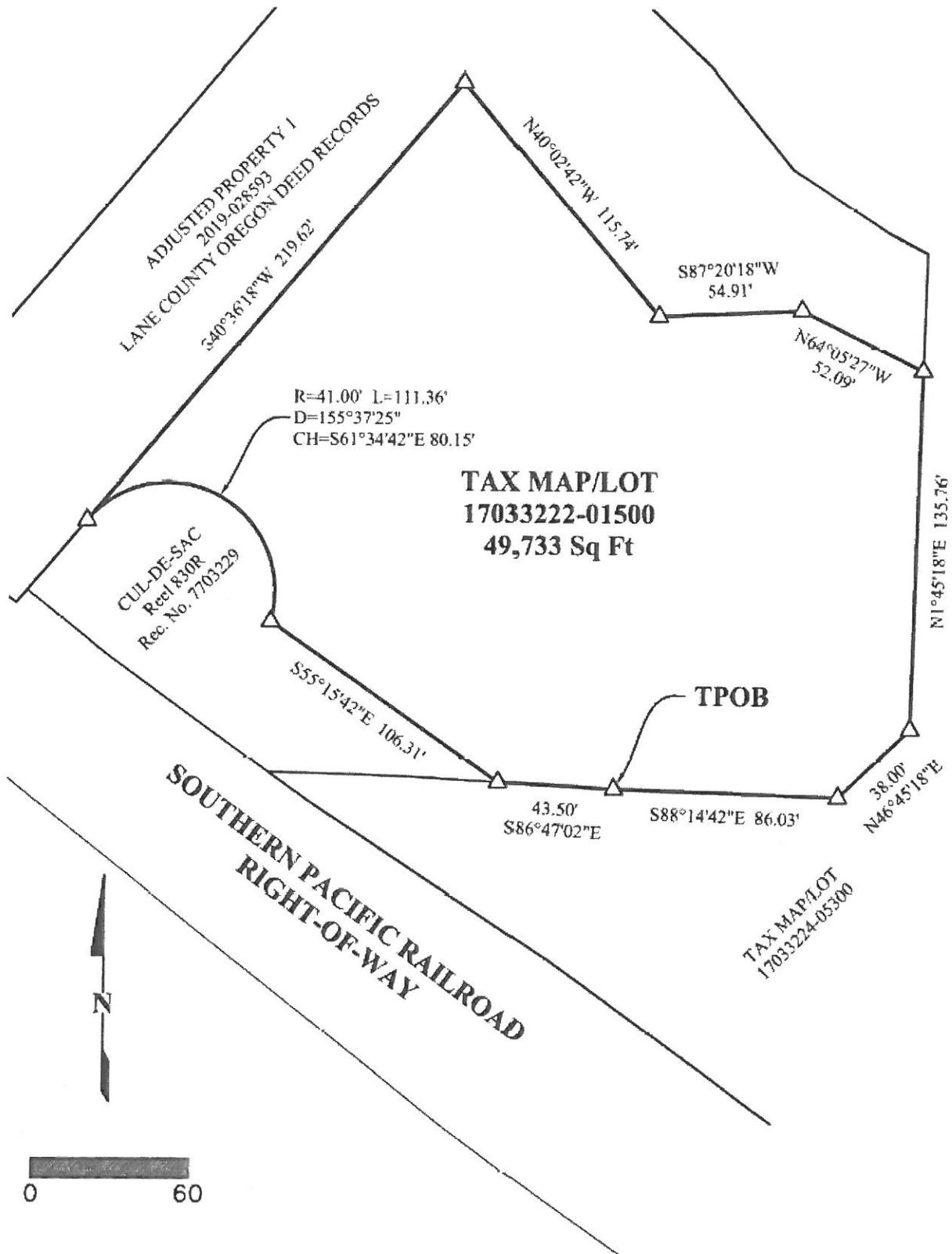
Bearings as shown on the Survey Map by James W. Colton that was filed March 25, 2016 as County Survey File Number 43582 were used as the basis of bearings used in the above description.



Lic. Exp 12/31/19

EXHIBIT "B"

TAX MAP 17-03-32-22, TAX LOT 1500



# EXHIBIT C

## CUL-DE-SAC AREA LYING SOUTHWEST OF TAX MAP 17-03-32-22, TAX LOT 1500

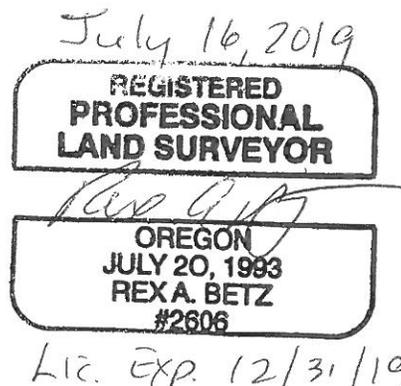
Situated in the City of Eugene, Lane County, Oregon in the Northwest 1/4 of Section 32 in Township 17 South, Range 3 West of the Willamette Meridian and described as follows:

Being a portion of the lands that were conveyed to the City of Eugene, a municipal corporation, for the use and benefit of the Eugene Water and Electric Board, in the Warranty Deed that was recorded March 25, 1976 in Reel 787R at Reception Number 7613750 in Lane County Oregon Deed Records. The perimeter of which portion is described more particularly as follows:

Commencing at the iron rod set in a concrete monument at the intersection of Hilyard Street and East 9th Avenue; thence South  $88^{\circ}12'48''$  East 148.53 feet to a point; thence North  $1^{\circ}47'12''$  East 367.33 feet to a point marked by a railroad spike; thence North  $1^{\circ}45'12''$  East 59.94 feet to the true point of beginning of said lands that were conveyed in Reel 787R, Reception Number 7613750; and thence North  $86^{\circ}47'02''$  West 43.50 feet to the **True Point of Beginning** of the portion being described herein.

Thence, leaving said **True Point of Beginning**, North  $86^{\circ}47'02''$  West 28.11 feet to a point marked by an iron pin; thence continuing North  $86^{\circ}47'02''$  West 4.86 feet to a point marked by an iron pin; thence North  $88^{\circ}14'48''$  West 55.04 feet to a point on the north line of the Southern Pacific Railroad right-of-way; thence northwesterly along said north line: North  $54^{\circ}25'16''$  West 76.25 feet and North  $51^{\circ}02'11''$  West 39.09 feet; thence North  $40^{\circ}37'29''$  East 34.57 feet to the beginning of a tangent curvature to the right; thence along said tangent curve to the right, having a radius center that bears South  $49^{\circ}23'42''$  East 41.00 feet, a central angle of  $155^{\circ}37'25''$ , and a long chord of South  $61^{\circ}34'42''$  East 80.15 feet, an arc distance of 111.36 feet to a point of non-tangent line; and thence along said non-tangent line South  $55^{\circ}15'42''$  East 106.31 feet **returning to the True Point of Beginning** and containing 8,520 square feet, more or less.

Bearings as shown on the Survey Map by James W. Colton that was filed March 25, 2016 as County Survey File Number 43582 were used as the basis of bearings used in the above description.



# EXHIBIT C

## CUL-DE-SAC AREA LYING SOUTHWEST OF TAX MAP 17-03-32-22, TAX LOT 1500

