

**RESOLUTION NO. 1901  
JULY 2019  
EUGENE WATER & ELECTRIC BOARD**

**AUTHORIZING GENERAL MANAGER TO  
RESCIND RESOLUTION No. 1625 AND ACQUIRE REDEFINED PROPERTY FOR THE  
THURSTON SUBSTATION EXPANSION PROJECT**

**WHEREAS**, the Eugene Water & Electric Board (“EWEB”) Board of Commissioners has authorized the purchase of approximately 185.99 acres to expand the existing Thurston substation by Resolution No. 1625, dated August 2, 2016.

**WHEREAS**, the purchase of a smaller, 141.58 acre portion of the aforementioned parcel is more consistent with EWEB ’ s needs, and

**WHEREAS**, the Board has considered the Thurston Substation Expansion Project which includes, but is not limited to, the acquisition of property abutting the current substation site to design and construct an expansion of the existing Thurston substation, enabling EWEB to tap into BPA power lines, remove an old EWEB transmission line river crossing, and provide redundancy and reliability to EWEB system users; and

**WHEREAS**, EWEB has authority under Section 44 of the Eugene Charter and ORS 225.020 to acquire real property; and

**WHEREAS**, the Board determines that it is consistent with the powers and purposes of EWEB and necessary for the continued growth, safety and welfare of EWEB, as well as its wholesale customers, now or hereafter existing, that fee title to necessary properties as well as necessary rights-of-way and easements be acquired to implement the Thurston Substation Expansion Project; and

**WHEREAS**, after investigation of the alternative sites and the most effective and economic method of service delivery, the Board has determined that the proposed Thurston Substation Expansion Project and selection of the property set forth on Exhibit 1, attached hereto and incorporated by reference, is planned and located in a manner which is most compatible with the greatest public benefit and mitigation of private impact; and

**WHEREAS**, the Board finds there are adequate funds budgeted and available to acquire the subject properties, and being fully advised,

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

- (i) Board Resolution No. 1625 is hereby rescinded, and
- (ii) The General Manager is authorized to execute all documents for acquisition of fee title for the property described in Exhibit 1.

Dated this 9<sup>th</sup> day of July, 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 July 9<sup>th</sup>, 2019 Regular Board Meeting.

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Assistant Secretary

## EXHIBIT 1

### PROPERTY DESCRIPTION

**BEGINNING** at the northwest corner of Donation Land Claim (DLC) #74 in Section 28, Township 17 South, Range 2 West, Willamette Meridian, said point also being the northeast corner of DLC #62; **THENCE** along the westerly boundary of said DLC #74 South 00°00'19" East, 833.59 feet to a point to be marked by a survey; **THENCE** South 82°28'45" East, 1042.86 feet to a point to be marked by a survey; **THENCE** North, 703.34 feet to a point to be shown on a survey; **THENCE** East, 1120.28 feet, more or less, to a point on the easterly boundary of those lands conveyed by Maxim Enterprises, Inc. to Weyerhaeuser Company in that deed recorded on July 22, 1965 on Reel 269D as Instrument 12026 in the Lane County Oregon Official Records; **THENCE** along said easterly boundary North 00°08'21" West, 2441.22 feet to the southerly Ordinary High Water Mark of the McKenzie River; **THENCE** along said Ordinary High Water Mark northwesterly to the northerly boundary of the aforesaid Section 28; **THENCE** along said northerly boundary South 88°37'10" West, 343.73 feet, more or less, to the northerly quarter corner; **THENCE** along the north-south section centerline South 00°06'57" East, 1356.01 feet, more or less, to the northerly boundary of DLC #49 in the aforesaid Section 28; **THENCE** along said northerly boundary South 89°40'17" East, 353.16 feet, more or less, to the northeast corner of said DLC #49; **THENCE** along the easterly boundary of said DLC #49 South 00°02'49" East, 1913.20 feet, more or less, to the easterly southeast corner of said DLC #49, also being a point on the northerly boundary of the aforesaid DLC #74; **THENCE** along said northerly boundary South 89°50'04" West, 501.37 feet, more or less, to the **POINT of BEGINNING**.

**EXCEPTING** therefrom those lands conveyed by Weyerhaeuser Company to the City of Eugene for the use and benefit of the Eugene Water and Electric Board in that deed recorded on June 6, 1968 on Reel 395R as Instrument 27725 in the Lane County Oregon Official Records.

The bearings in this description are based on the Oregon Coordinate Reference System, Eugene Projection NAD83(2011), Epoch 2010.

**RESOLUTION NO. 1625  
AUGUST 2016**

**EUGENE WATER & ELECTRIC BOARD  
A RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY  
FOR THE THURSTON SUBSTATION EXPANSION PROJECT**

WHEREAS, the above-entitled matter came before the Board of Commissioners of the Eugene Water and Electric Board (“EWEB”) at its regular meeting on August 2, 2016; and

WHEREAS, the Board has considered the Thurston Substation Expansion Project which includes, but is not limited to, the acquisition of property abutting the current substation site to design and construct an expansion of the existing Thurston substation to enable EWEB to access and tap into BPA power lines to remove an old EWEB transmission line river crossing and provide redundancy and reliability to EWEB system users; and

WHEREAS, EWEB has authority under Section 44 of the Eugene Charter and ORS 225.020 to acquire real property; and

WHEREAS, the Board determines that it is consistent with the powers and purposes of EWEB and necessary for the continued growth, safety and welfare of EWEB, as well as its wholesale customers, now or hereafter existing, that fee title to necessary properties as well as necessary rights-of-way and easements be acquired to implement the Thurston Substation Expansion Project; and

WHEREAS, after investigation of the alternative sites and the most effective and economic method of service delivery, the Board has determined that the proposed Thurston Substation Expansions Project and selection of the property set forth on Exhibit 1, attached hereto and incorporated by reference, is planned and located in a manner which is most compatible with the greatest public benefit and mitigation of private impact; and

WHEREAS, the Board finds there are adequate funds budgeted and available to acquire the subject properties, and being fully advised,

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COMMISSIONERS, that EWEB shall in good faith attempt to negotiate a purchase and sale agreement with the affected property owner to acquire fee title on a fair and reasonable basis for the designated property. EWEB Staff and Counsel are authorized to complete negotiations with the property owners for an amount not to exceed the fair market value as established by an EWEB-commissioned appraisal. EWEB Staff and Counsel are authorized to complete the sale agreement and all necessary transactions, including transfer of cash consideration, through close of escrow without necessity of further Board approval. The General Manager is authorized to execute all documents to complete the acquisition of fee title for the property (Exhibit 1).

DATED this 2<sup>nd</sup> day of August, 2016.

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 August 2, 2016 Regular Board Meeting.

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Assistant Secretary

ÓVÒØÑØÚÁF - PROPERTY DESCRIPTION

PARCEL 1:

The Northwest quarter of the Northeast quarter and Lots 3 and 4, in Section 28, Township 17 South, Range 2 West of the Willamette Meridian, in Lane County, Oregon.

ALSO: Beginning at the Northwest corner of Claim No. 74, Township 17 South, Range 2 West, of the Willamette Meridian; thence East about 61 rods to the Northwest corner of tract deeded by Thomas Tucker and wife, to James Tuttle, recorded in Book G, Page 642, Lane County Oregon Deed Records; thence South about 91 rods to the Southwest corner of the last mentioned tract; thence Northwesterly along line of County Road to the point where same intersects the West Boundary of said Claim about 61 rods; thence North about 84 rods to the place of beginning, all in Lane County, Oregon.

ALSO: Beginning at a point 27 chains West of the Northeast corner of Donation Land Claim No. 74, Notification No. 7480, in Section 28, Township 17 South, Range 2 West, run South 23 chains to the County Road; thence South  $76^{\circ}$  East to a point that is 9.94 chains North  $76^{\circ}$  West of the Southeast corner of Section 28; thence North 59.62 chains, more or less, to the North line of the Southeast quarter of the Northeast quarter of said Section 28, West 10.36 chains to the West line of the Southeast quarter of the Northeast quarter of said Section 28; thence South to the North line of Donation Land Claim No. 74; thence West to the point of beginning, all in Lane County, Oregon.

EXCEPTING THEREFROM THE FOLLOWING: Beginning at a point in the Northerly line of the County Road 9.94 chains North  $76^{\circ}$  West from the Southeast corner of Section 28, Township 17 South, Range 2 West of the Willamette Meridian; and running thence North 299 feet; thence West 416.8 feet; thence South 208.4 feet to the Northerly line of the County Road; thence along the Northerly line of the County Road South  $76^{\circ}$  East 429.5 feet more or less, to the place of beginning, in Lane County, Oregon.

ALSO EXCEPTING FROM THE FOREGOING LANDS THE FOLLOWING TRACT: Beginning at a point on the Northerly right of way line of County Road No. 440, said point being 1,082.75 feet North  $77^{\circ} 02' 10''$  West of the Southeast corner of Section 28, Township 17 South, Range 2 West of the Willamette Meridian; running thence along the Northerly right of way line of County Road No. 440 North  $77^{\circ} 36'$  West 751.43 feet; thence leaving said right of way line North  $6^{\circ} 27'$  East 203.62 feet; thence parallel to said right of way line South  $77^{\circ} 36'$  East 728.01 feet; thence South 207.36 feet to the point of beginning, in Lane County, Oregon.

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Property Description Continued- (Parcel 1)

ALSO EXCEPT THEREFROM: Beginning at the point of intersection of the Northerly line of High Banks Road (County Road No. 440) with the West line of the Jesse M. Mann Donation Land Claim No. 74, in Township 17 South, Range 2 West of the Willamette Meridian, said point of intersection being 20.0 feet Northerly, when measured at right angles, from the center line of said High Banks Road; thence South  $83^{\circ} 03' 15''$  East along said Northerly line a distance of 969.11 feet to an angle point; thence continuing along said Northerly right of way line South  $77^{\circ} 00' 10''$  East a distance of 46.46 feet; thence leaving said Northerly line and run North  $07^{\circ} 02' 50''$  East a distance of 10.06 feet to a point 30.0 feet Northerly, when measured at right angles, from the center line of High Banks Road; thence North  $77^{\circ} 00' 10''$  West a distance of 140.85 feet; thence North  $83^{\circ} 03' 15''$  West, parallel with and 40.0 feet Northerly of the center line of High Banks Road, a distance of 877.68 feet to Grantor's West line; thence South  $00^{\circ} 04' 40''$  West along said West line a distance of 20.15 feet to the point of beginning, in Lane County, Oregon.

ALSO EXCEPT THEREFROM: A parcel of land situated in the West half of the Southeast quarter of Northeast quarter (W 1/2 of SE 1/4 of NE 1/4) of Section 28, Township 17 South, Range 2 West, Willamette Meridian, being a part of that tract of land described by that Deed recorded on Reel 269, Reception No. 11691, Lane County Oregon Deed Records, being more particularly described as follows: Commencing at the Northeast corner of the Albert S. Powers Donation Land Claim 49, Township 17 South, Range 2 West of the Willamette Meridian run South 1,117.9 feet and East 1,353.7 feet to the true point of beginning; thence parallel with and 62.5 feet distance from the centerline of the Bonneville Power Administration's Lebanon-Goshen transmission line, North  $3^{\circ} 16' 30''$  East 232.00 feet; thence South  $86^{\circ} 43' 30''$  East 283.68 feet, more or less, to a point on the East line of the Grantor's tract of land above described; thence South  $0^{\circ} 01' 30''$  East along said East line 171.94 feet; thence South  $81^{\circ} 39' 30''$  West 299.71 feet, more or less, to the true point of beginning, in Lane County, Oregon.

PARCEL 2:

Beginning at the Northeast corner of the A.S. Power Donation Land Claim, in Section 28, Township 17 South, Range 2 West of the Willamette Meridian and running South  $87^{\circ} 53'$  East a distance of 967 feet to the true point of beginning; thence North  $1^{\circ} 17'$  East 939.0 feet; thence South  $43^{\circ} 34'$  East 92.6 feet; thence South  $68^{\circ} 48'$  East 134.2 feet; thence South  $50^{\circ} 56'$  East 214.75 feet; thence South  $36^{\circ} 08'$  East 520.08 feet; thence South 293.0 feet; thence North  $87^{\circ} 53'$  West 683.76 feet to the true point of beginning, in Lane County, Oregon.